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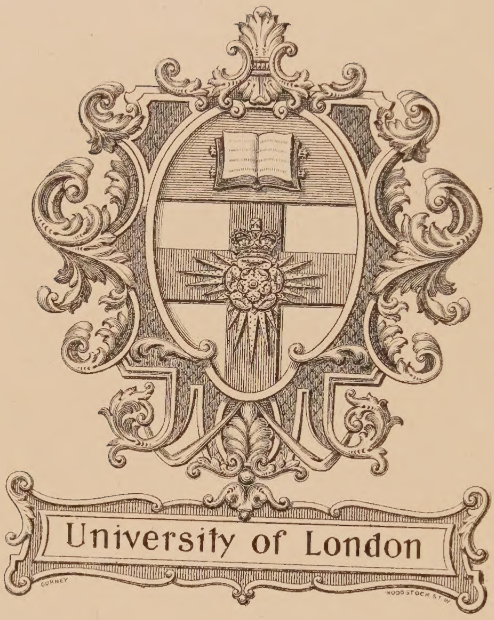
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THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. X.

COMPRISING THE PERIOD
FROM
THE TWENTY-FIRST DAY OF JANUARY
TO
THE EIGHTH DAY OF APRIL
1808.

LONDON:

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JANUARY 1808.

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Adams, William, Totness
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Barry, John, Cavan
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Beaumount, col. T. R., Northumberland
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Bennet, R. H. A., Launceston
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Benyon, Richard, Wallingford
Beresford, J. C., Waterford county
Beresford, lord G. T., Londonderry county
Berkeley, hon. George, Gloucestershire
Bernard, Scrope, St. Mawes
Bernard, Thomas, King's county
Bernard, viscount, Cork county
Bertie, Albemarle, Stamford
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Bouverie, hon. Barthol., Downton
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Guernsey, lord, Weobly

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Hamilton, lord C., Dungannon
Hammet, John, Taunton
Harbord, hon. W. A., Plympton
Harbord, hon. Edward, Yarmouth, Norfolk
Harvey, Eliab, Essex
Headley, lord, Malton
Heathcote, T., Blechingly
Henderson, Anthony, Brackley
Henniker, lord, Rutland
Herbert, hon. C., Wilton
Herbert, H. A., Kerry
Heron, Peter, Newton, Lancashire
Hibbert, George, Seaford
Hill, hon. Wm., Shrewsbury
Hill, sir G. F. bart., Londonderry
Hinchingbroke, viscount, Huntingdonshire
Hippesley, sir J. Cox, bt., Sudbury
Hobhouse, Benj., Hindon
Hodson, John, Wigan
Holdsworth, Arth. Howe, Dartmouth
Holford, George, Lostwithiel
Holland, sir N. Dance, bart., East-Grinstead
Honywood, Wm., Kent
Hood, sir Samuel, Bridport
Hope, W. J., Dumfriesshire
Hope, hon. Alexander, Linlithgowshire
Hope, hon. Charles, Haddingtonshire
Horner, Francis, Wendover
Horrocks, Samuel, Preston
Howard, hon. W. Morpeth
Howard, Henry, Gloucester
Howick, viscount, Tavistock
Hughes, W. Lewis, Wallingford
Hume, Wm. Hoare, Wicklow
Hume, sir A. bart., Hastings
Hunt, Joseph, Queenborough
Huntingfield, lord, Dunwich
Hurst, Robert, Steyning
Huskisson, William, Harwich
Hussey, William, New Sarum
Hutchinson, hon. C. H., Cork City

INGILBY, William, East Retford
Irving, John, Bramber
JACKSON, John, Dover
Jackson, Josias, Southampton
Jeffery, John, Poole [dble return.
Jekyll, Joseph, Calne
Jenkinson, Charles, Dover
Jenkinson, hon. C. C., Sandwich
Jephson, Denham, Mallow
Jervoise, Jervois Clarke, Yarmouth, Isle of Wight
Jocelyn, viscount, Lowth
Jodrell, Henry, Bramber
Johnes, Thomas, Cardiganshire
Johnstone, George, Heydon
Johnstone, hon. A. C., Grampound
Jolliffe, Hylton, Petersfield
Jones, Thomas, Shrewsbury
Jones, Gilbert, Aldborough
Jones, Walter, Coleraine

KEANE, sir J. bart., Youghall
Keck, G. A. Lee, Leicestershire
Keene, Whitshead, Montgomery

Kemp, Thomas, Lewes
Kenrick, William, Bletchingley
Kensington, lord, Haverfordwest
King, sir J. Dashwood, bart., Chipping Wycombe
Kingston, John, Lymington
Knapp, George, Abingdon
Knatchbull, sir Ed. bart., Kent
Knox, hon. Thomas, Tyrone

Laing, Malcolm, Orkney, &c.
Lamb, hon. Wm., Portarlington
Lambton, Ralph John, Durham
Lascelles, hon. E., Northallerton
Lascelles, hon. Henry, Westbury
Latouche, David, Catherloghshire
Latouche, Robert, Kildare
Latouche, J. jun., Leitrim
Laurence, Dr. French, Peterborough
Leach, John, Seaford
Leeland, John, Stamford
Lefevre, Charles Shaw, Reading
Leigh, James Henry, Bedwin
Leigh, Robert Holt, Wigan
Leman, Chas., Penryn
Lemon sir Wm. bart., Cornwall
Lemon, John, Truro
Leslie, C. P., Monaghan
Lethbridge. T. Buckler, Somerset
Leycester, Hugh, Milborne Port
Littleton, sir Edw., bt., Staffordshire
Lloyd, James M., Steyning
Lloyd, Hardress, King's County
Lockhart, Wm. Eliot, Selkirk
Lockhart, sir A. M., Berwick
Lockhart, J Ingram, Oxford
Loftus, William, Tamworth
Long, rt. hon. Chas., Haslemere
Long, Richard, Wiltshire
Longfield, Montiford, Cork city
Longman, George, Maidstone
Lopez, sir M. M. bart., Evesham
Lovaine, lord, Beeralston
Loveden, Edw. L., Shaftesbury
Lowther, James, Westmoreland
Lowther, John, Cumberland
Lubbock, sir J. bart, Leominster
Lushington, Stephen, Yarmouth, Norfolk
Lushington, S. R., Rye
Luttrell, J. Fownes, Minehead
Lygon, hon. William Beauch, Worcestershire
Lyttleton, hon. William Henry, Worcestershire

Macdonald, James, Newcastle-under-Lyme
Macdowall, Wm., Renfrewshire
Mackenzie, J. R., Dornoc, &c.
Macleod, R. B. Æ., Cromartyshire
Madox, W. A., Boston
Magens, Magens D., Ludgershall
Mahon, viscount, Kingston
Mahon, hon. S., Roscommon
Maitland, John, Chippenham
Maitland, Ebenezer, Lostwithiel
Manners, lord Cha. Som., Cambridgeshire
Manners, Robert, Cambridge
Manners, ld. R., Leicestershire
Manning, William, Evesham
Markham, John, Portsmouth
Martin, Richard, Galway
Martin, Henry, Kinsale
Mathew, hon. Mont., Tipperary
Maule, hon. Wm., Forfarshire
Maxwell, Wm. jun., Wigtownshire
Maxwell, sir J. S. A., Annan, &c.
Maxwell, William, Selkirk, &c.
May, Edward, Belfast
M'Mahon, col. John, Aldeburgh
M'Naghten, E A., Antrim
Meade, hon. John, Down
Mellish, William, Middlesex
Milbanke, sir Ralph, bt., Durham county
Mildmay, sir H. P. St. J. bt., Hampshire
Mildmay, H. C. St. J., Winchester
Milford, lord, Pembrokeshire
Miller, sir T. bart., Portsmouth
Mills, Charles, Warwick
Mills, William, Coventry
Mills, Geo. Galway, St. Michael
Milner, sir Wm. M. bt., York
Milnes, Robt. P., Pontefract
Milton, viscount, Yorkshire
Monckton, hon. Edward, Stafford
Monson, hon. W., Lincoln
Montague, Matthew, St. Germain's
Montgomery, sir J. bt., Peebles
Moore, Peter, Coventry
Moore, lord Henry, Orford
Moore, Charles, Heytesbury
Mordaunt, sir Chas. bart., Warwickshire
Morgan, sir Charles, bart., Monmouthshire
Morpeth, lord, Cumberland
Morris, Edward, Newport
Morris, Robt , Gloucester, Cornw.
Mosley, sir Oswald bt., Winchelsea
Mostyn, sir Thos. bt., Flintshire
Muncaster, lord, Westmoreland
Mundy, Ed. Miller, Derbyshire
Murray, sir Patrick, bt., Edinbugh
Murray, lord James, Perthshire
Murray, John, Wootton Basset

Needham, hon. Francis, Newry
Nepean, rt. hon. sir E., bart., Bridport
Nevill, Richard, Wexford
Neville, hon. R., Buckingham
Newark, visc., Nottinghamshire
Newborough, lord, Beaumaris
Newport, rt. hon. sir Jn., bart., Waterford
Nicholl, sir John, bt., Bedwin
Noel, col. Gerrard Noel, Rutland
North, Dudley, Newton, Hants
Northey, William, Newport, Cornwall
Norton, hon. J. C. Guilford
Nugent, sir George, bt. Aylesbury

O'Brien, sir Edw. bart., Clare
O'Callagan, hon. James, Tregony
Odell, William, Limerick County
Oglander, sir Wm., Bodmyn
O'Hara, Charles, Sligoe County
O'Neill, hon. J. B. R., Antrim
Onslow, hon. T. Cranley, Guildford
Ord, William, Morpeth
Orde, sir John, Yarmouth, Isle of Wight
Osborne, John, Cockermouth
Ossulston, visc. Knaresborough

Paget, hon. B., Anglesea
Paget, lord, Milborne Port
Paget, hon. Charles, Carnarvon
Palk, Walter, Ashburton
Palke, sir Lawrence, bart. Devonshire
Palmer, col. John, Bath
Palmerston, lord, Newport, Hants
Parnell, Henry, Queen's County
Parry, Love P. J., Horsham
Patten, Peter, Lancaster
Patteson, John, Norwich
Pedley, John, Saltash [dble ret]
Peel, sir Robert, bart. Tamworth
Peirse, Henry, Northallerton
Pelham, hon. C. A. Lincolnshire
Perceval, hon. Spencer, Northampton
Percy, hon. Joceline, Beeralston
Percy, earl, Northumberland
Petty, lord Henry, Camelford
Philipps, Rd. Mansel, Stafford
Phipps, hon. Edm. Scarborough
Piggott, sir Arth. knt., Arundel
Pitt, William Morton, Dorsetshire
Plomer, sir Tho. kt., Downton
Prochin, Charles, Enniskillen
Pocock, George, Bridgwater
Pole, hon. W. W., Queen's County
Pole, sir Ch. Morice, bt. Plymouth
Pollington visc. Pontefract
Ponsonby, hon. G., Cork County
Ponsonby, hon. Fred., Kilkenny
Popham, sir Home, Ipswich
Porcher, J. Dupre, Old Sarum
Porchester, lord, Cricklade
Porter, George, Stockbridge
Portman, E. B., Dorsetshire
Powell, J. Kynaston, Shropshire
Power, Rd., Waterford County
Praed, Wm. Banbury [dble ret.]
Price, sir Charles, bart. London
Price, Richard, New Radnor
Prittie, hon. F. R. Tipperary
Pulteney, hon. sir J., Weymouth, &c.
Pym, Francis, Bedfordshire

Quin, hon. Windham, Limerick County

Rainier, Peter, Sandwich
Ram, Abel, Wexford County
Ramsbottom, Richard, Windsor
Rendlesham, lord, Bossiney
Richardson, Wm., Armagh County
Ridley, sir M. White, Newcastle upon Tyne
Roberts, Abraham, Worcester
Robinson, John, Bishop's Castle
Robinson, hon. Fred., Rippon
Rochfort, Gustavus, Westmeath

Romilly, sir Sam., knt., Horsham
Rose, rt. hon. G., Christchurch
Rose, G. Henry, Southampton
Royston, vicount, Ryegate
Russell, lord William, Tavistock
Russel, Matt., Saltash [dble ret.]
Rutherford, John, Roxburghshire
Ryder, hon. Richard, Tiverton

SALUSBURY, sir Rob. bart., Brecon
St. Aubyn, sir John, Helleston
Savage, Francis, Down
Saville, Albany, Oakhampton
Scott, rt. hon. sir W. kt., Oxford University
Scudamore, Rich. Phil., Hereford
Sebright, sir John S., Hertfordshire
Seymour, lord Robert, Carmarthenshire
Shakespeare, Arthur, Richmond
Sharpe, Richard, Castle Rising
Shaw, Robert, Dublin City
Shaw, James, London
Sheldon, Ralph, Wilton
Shelley, Henry, jun., Lewes
Shelley, Timothy, New Shoreham
Sheridan, rt. hon. R. B., Ivelchester
Shipley, William, Flint
Simeon, John, Reading
Simpson, hon. John, Wenlock
Simson, George, Maidstone
Sinclair, sir J. bart., Buteshire
Singleton, Mark, Eye
Sloane, Wm., Orford
Smith, Thomas Ashton, Andover
Smith, Joshua, Devizes
Smith, Samuel, Leicester
Smith, George, Wendover
Smith, John, Nottingham
Smith, Henry, Calne
Smith, William, Norwich
Smyth, William, Westmeath
Sneyd, Nathaniel, Cavan
Somerset, lord A. Monmouthshire
Somerset, lord C. Monmouth
Somerset, lord R. E. H. Gloucestershire
Somerville, sir M. bart., Meath
Spencer, lord Francis, Oxfordshire
Stanhope, W. S., Carlisle
Staniforth, J., Kingston-upon Hull
Stanley, Thomas, Lancashire
Stanley, lord, Preston
Stephens, Samuel, St. Ives
Steward, Gabriel Tucker, Weymouth, &c.
Steward, Richard Tucker, Weymouth, &c.
Stewart, sir James, bart., Donegal County
Stewart, hon. C. W., Londonderry County
Stewart, James, Tyrone
Stewart, hon. Ed. Rich., Stanraer
Stewart, hon. M. G. J. Kirkcudbright
Stirling, sir W. bart., St. Ives
Stopford, visc., Marlborough
Strahan, Andrew, Catherlogh
Strutt, Joseph Holden, Maiden
Stuart, lord William, Cardiff
Sumner, G. H., Surrey
Sutton, C. M., Scarborough
Swann, Henry, Penryn
Sykes, sir M. M. bart., York
Symonds, Thomas P., Hereford

TALBOT, R. Wogan, Dublin County
Tarlton, Banastre, Liverpool
Taylor, Charles William, Wells
Taylor, M. Angelo, Ivelchester
Taylor, William, Barnstaple
Taylor, Edw. Canterbury
Tempest, sir H. V. bart., Durham
Temple, earl, Buckinghamshire
Templetown, visc., St. Edmund's Bury
Thellusson, G. W., Barnstaple
Thomas, George, Chichester
Thomson, sir T. B. bt., Rochester
Thompson, Thos., Midhurst
Thornton, Robert, Colchester
Thornton, Henry, Southwark
Thornton, Samuel, Surry
Thornton, Thomas, Grantham
Thynne, lord John, Bath
Thynne, lord George, Weobly
Tierney, rt. hon. G., Bandon Bridge
Tighe, William, Wicklow
Titchfield, marq. of, Buckinghamshire
Townshend, lord J., Knaresborough
Townshend, hon. W. A., Whitchurch
Tracy, C. H., Tewkesbury
Tremayne, Jn. Hearle, Cornwall
Tudway, Clement, Wells
Turner, J. F., Athlone
Turton, sir Thomas. bt. Southwark
Tyrwhitt, Thomas, Plymouth

VANDER-HEYDEN, D. East Looe
Vansittart, George, Berkshire
Vansittart, rt. hon. Nich., Old Sarum
Vaughan, hon. John, Cardigan
Vaughan, sir R. W. bt., Merionethshire
Vereker, Charles, Limerick City
Vernon, George G. V., Lichfield
Villiers, right hon. J. C., Queenborough
Vyse, W. H., Beverley

WALLACE, right hon. T., Shaftesbury
Walpole, lord, King's Lynn
Walpole, hon. George, Dungarvon
Ward, hon. John W., Wareham
Ward, Robert, Haslemere
Wardell, G. Lloyd, Oakhampton
Warrander, sir G., Jedburgh, &c.
Wedderburn, sir David, bart., St. Andrews, &c.
Welby, W. E., Grantham
Wellesley, right hon. sir A., Newport, Hants
Wellesley, hon. H., Eye
Wemyss, Wm., Fifeshire
Wentworth, Godfrey, Tregony
Western. C. C., Malden
Wharton, John, Beverley
Wharton, Richard, Durham City
Whitbread, Samuel, Bedford
Whitmore, Thomas, Bridgenorth
Wigram, Robert, Fowey
Wigram, William, New Ross
Wilberforce, William, Yorkshire
Wilder, Francis John, Arundel
Wilkins, Walter, Radnorshire
Williams, Owen, Great Marlow
Williams, Robert, Dorchester
Williams, sir Robert, bart., Carnarvonshire
Willoughby, Hen., Newark-upon-Trent
Windham, right hon. Wm., Higham Ferrers
Winnington, sir T. E., Droitwich
Wood, col. Mark, Gatton
Wood, Thomas, jun., Breconshire
Wortley, J. A. Stuart, Bossiney
Wyndham, H. Penruddock, Wiltshire
Wyndham, Thomas, Glamorganshire
Wyndham, hon. C. W., Sussex
Wynn, sir W. Williams, bart., Denbighshire
Wynn, Ch. Watkin Williams, Montgomeryshire
Wynn, Glynn, Westbury

YARMOUTH, earl of, Lisburne
Yorke, sir J. Sydney, St. Germain's
Yorke, right hon. Charles, Cambridgeshire

LIST OF HIS MAJESTY'S MINISTERS,

JANUARY 1808.

CABINET MINISTERS.

Earl Camden	President of the Council.
Lord Eldon	Lord High Chancellor.
Earl of Westmoreland	Lord Privy Seal.
Duke of Portland	First Lord of the Treasury (Prime Minister).
Lord Mulgrave	First Lord of the Admiralty.
Earl of Chatham	Master-general of the Ordnance.
Earl Bathurst	President of the Board of Trade.
Lord Hawkesbury	Secretary of State for the Home Department.
Right Hon. George Canning	Secretary of State for Foreign Affairs.
Lord Castlereagh	Secretary of State for the Department of War and the Colonies.
Right Hon. Spencer Perceval	Chancellor and Under-Treasurer of the Exchequer, and also Chancellor of the Duchy of Lancaster.

NOT OF THE CABINET.

Right Hon. Robert Saunders Dundas	President of the Board of Controul for the Affairs of India.
Right Hon. George Rose	Vice-President of the Board of Trade, and Treasurer of the Navy.
Sir James Pulteney, Bart.	Secretary at War.
Lord Charles Somerset	Joint Paymaster-general.
Right Hon. Charles Long	
Earl of Chichester	Joint Postmaster-general.
Earl of Sandwich	
William Huskisson, esq.	Secretaries of the Treasury.
Hon. Henry Wellesley	
Sir William Grant	Master of the Rolls.
Sir Vicary Gibbs	Attorney-General.
Sir Thomas Plomer	Solicitor-General.

PERSONS IN THE MINISTRY OF IRELAND.

Duke of Richmond	Lord Lieutenant.
Lord Manners	Lord High Chancellor.
Sir Arthur Wellesley	Chief Secretary.
Right Hon. John Foster	Chancellor of the Exchequer.

THE

Parliamentary Debates

During the Second Session of the Fourth Parliament of the
United Kingdom of Great Britain and Ireland, and of the
Kingdom of Great Britain the Twenty-first, appointed to
meet at Westminster, the Twenty-first Day of January,
1808, in the Forty-eighth Year of the Reign of His
Majesty King GEORGE the Third. [*Sess.* 1808.

HOUSE OF LORDS.

Thursday, January 21, 1808.

[The Lords Commissioners' Speech.] The Second Session of the Fourth Parliament of the United Kingdom was opened this day, by commission; the commissioners were, the archbishop of Canterbury, the lord chancellor, and the earls Camden, Aylesford, and Dartmouth. At three o'clock the lords commissioners took their seats upon the woolsack; and the Commons, pursuant to message, having attended, with their Speaker, at the bar, the Lord Chancellor informed them, that his Majesty had been pleased to direct his commission to certain lords, therein named, to open the session; which commission they should hear read, and afterwards his majesty's most gracious Speech. The commission was then read by the clerk at the table; after which, the Lord Chancellor read the Speech, as it here follows:

"My Lords and Gentlemen,

"We have received his majesty's commands to assure you, that in calling you together at this important conjuncture of affairs, he entertains the most perfect conviction, that he shall find in you the same determination with which his majesty himself is animated, to uphold the honour of his crown, and the just rights and interests of his people.—We are commanded by his majesty to inform you, that no sooner had the result of the Negotiations at Tilsit confirmed the influence and controul of France over the powers of the continent, than his majesty was apprized of the intention of the enemy to combine those powers in one general confederacy, to be directed either to the entire subjugation of this kingdom, or to the imposing upon his majesty an insecure and ignominious peace.—That, for this purpose, it was determined to force into hostility against his majesty, states which had hitherto been allowed by France to maintain or to purchase their neutrality, and to bring to bear against different points of his majesty's dominions the whole of the Naval Force of Europe, and specifically the Fleets of Portugal and Denmark. To place those fleets out of the power of such a confederacy became therefore the indispensable duty of his majesty.—In the execution of this duty, so far as related to the Danish Fleet, his majesty has commanded us to assure you, that it was with the deepest reluctance that his majesty found himself compelled, after his earnest endeavours to open a Negotiation with the Danish government had failed, to authorize his commanders to resort to the extremity of force; but that he has the greatest satisfaction in congratulating you upon the successful execution of this painful but necessary service.—We are commanded further to acquaint you, that the course which his majesty had to pursue with respect to Portugal was happily of a nature more congenial to his majesty's feelings: That the timely and unreserved communication by the Court of Lisbon of the demands and designs of France, while it confirmed to his majesty the authenticity of the advices which he had received from other quarters, entitled that court to his majesty's confidence in the sincerity of the assurances by which that communication was accompanied.—The Fleet of Portugal was destined by France to be employed as an instrument of vengeance against Great Britain; that Fleet has been secured from the grasp of France, and is now employed in conveying to its American dominions the hopes and fortunes of the Portuguese monarchy.—His majesty implores the protection of Divine Providence upon that enterprize, rejoicing in the preservation of a power so long the friend and ally of Great Britain, and in the prospect of its establishment in the New World, with augmented strength and splendour.—We have it in command from his majesty to inform you, that the determination of the enemy to excite hostilities between his majesty and his late allies, the emperors of Russia and Austria, and the king of Prussia, has been but too successful; and that the ministers from those powers have demanded and received their passports.—This measure, on the part of Russia, has been attempted to be justified by a statement of wrongs and grievances which have no real foundation. The emperor of Russia had indeed proffered his mediation between his majesty and France; his majesty did not refuse that mediation; but he is confident you will feel the propriety of its not having been accepted, until his majesty should have been enabled to ascertain that Russia was in a condition to mediate impartially, and until the principles and the basis on which France was ready to negotiate were made known to his majesty.—No pretence of justification has been alleged for the hostile conduct of the emperor of Austria, or for that of his Prussian majesty. His majesty has not given the slightest ground of complaint to either of those sovereigns, nor even at the moment when they have respectively withdrawn their ministers have they assigned to his majesty any distinct cause for that proceeding.—His majesty has directed, that Copies of the Official Notes which passed between his majesty's ambassador and the minister for foreign affairs of his imperial majesty the emperor of Russia, pending the Negotiations at Tilsit, as well as of the Official Note of the Russian minister at this court, which contain the offer of his Imperial majesty's mediation, and of the Answer returned to that Note by his majesty's command; and also Copies of the Official Notes of the Austrian minister at this court, and of the Answers which his majesty commanded to be returned to them, shall be laid before you.—It is with concern that his majesty commands us to inform you, that, notwithstanding his earnest wishes to terminate the war in which he is engaged with the Ottoman Porte, his majesty's endeavours, unhappily for the Turkish empire, have been defeated by the machinations of France, not less the enemy of the Porte than of Great Britain.—But while the influence of France has been thus unfortunately successful in preventing the termination of existing hostilities, and in exciting new wars against this country, his majesty commands us to inform you, that the king of Sweden has resisted every attempt to induce him to abandon his alliance with Great Britain; and that his majesty entertains no doubt that you will feel with him, the sacredness of the duty which the firmness and fidelity of the king of Sweden impose upon his majesty, and that you will concur in enabling his majesty to discharge it in a manner worthy of this country.—It remains for us, according to his majesty's commands, to state to you, that the Treaty of Amity, Commerce, and Navigation between his majesty and the United States of America, which was concluded and signed by commissioners, duly authorized for that purpose, on the 31st of December 1806, has not taken effect, in consequence of the refusal of the President of the United States to ratify that instrument.—For an unauthorized act of force committed against an American ship of war, his majesty did not hesitate to offer immediate and spontaneous reparation: but an attempt has been made by the American government to connect with the question which has arisen out of this act, pretensions inconsistent with the maritime rights of Great Britain: such pretensions his majesty is determined never to admit. His majesty nevertheless hopes, that the American government will be actuated by the same desire to preserve the relations of peace and friendship between the two countries, which has ever influenced his majesty's conduct, and that any difficulties in the discussion now depending may be effectually removed.—His majesty has commanded us to state to you, that, in consequence of the Decree by which France declared the whole of his majesty's dominions to be in a state of blockade, and subjected to seizure and confiscation the produce and manufactures of his kingdom, his majesty resorted in the first instance to a measure of mitigated retaliation; and that, this measure having proved ineffectual for its object, his majesty has since found it necessary to adopt others of greater rigour, which he commands us to state to you will require the aid of parliament to give them complete and effectual operation.—His majesty has directed copies of the Orders which he has issued (with the advice of his privy council) upon this subject, to be laid before you; and he commands us to recommend them to your early attention.

"Gentlemen of the House of Commons,

"His majesty has directed the Estimates for the year to be laid before you, in the fullest confidence that your loyalty and public spirit will induce you to make such provision for the public service as the urgency of affairs may require.—His majesty has great satisfaction in informing you, that notwithstanding the difficulties which the enemy has endeavoured to impose upon the Commerce of his subjects, and upon their intercourse with other nations, the resources of the country have continued in the last year to be so abundant, as to have produced both from the permanent and temporary revenue a receipt considerably larger than that of the preceding year.—The satisfaction which his majesty feels assured you will derive, in common with his majesty, from this proof of the solidity of these resources, cannot but be greatly increased, if, as his majesty confidently hopes, it shall be found possible to raise the necessary supplies for the present year without any material additions to the public burdens.

"My Lords and Gentlemen,

"We are especially commanded to say to you, in the name of his majesty, that if ever there was a just and national war, it is that which his majesty is now compelled to prosecute.—This war is in its principle purely defensive: his majesty looks but to the attainment of a secure and honourable Peace; but such a peace can only be negotiated upon a footing of perfect equality.—The eyes of Europe and of the world are fixed upon the British parliament. If, as his majesty confidently trusts, you display in this crisis of the fate of the country the characteristic spirit of the British nation, and face unappalled the unnatural combination which is gathered around us, his majesty bids us to assure you of his firm persuasion, that, under the blessing of Divine Providence, the struggle will prove ultimately successful and glorious to Great Britain.—We are lastly commanded to assure you, that in this awful and momentous contest you may rely upon the firmness of his majesty, who has no cause but that of his people, and that his majesty reciprocally relies upon the wisdom, the constancy, and the affectionate support of his parliament."

The commons having retired, the lords commissioners withdrew to unrobe. Lord viscount Lake and lord Gambier were introduced with the accustomed formalities, and took the oaths and their seats. The archbishop of York and earl Grey, also took the oaths and their seats. Their lordships then adjourned during pleasure. At five o'clock the house resumed. His majesty's most gracious Speech was then read by the lord chancellor from the woolsack, and afterwards by the clerk at the table, after which

The Earl of *Galloway* rose, and addressed their lordships as follows:—My lords; after the Speech which your lordships have heard delivered by his majesty's command, it is expected some member of this house should present himself to your notice, to solicit that attention which the importance of the subject demands; and by endeavouring to obtain your cordial concurrence in an Address of thanks to his majesty, for his gracious communication, to mark your approval of the sentiments it contains. I can assure your lordships I am perfectly aware of the inadequacy of my abilities to open subjects of the magnitude and importance of those now offered for your discussion; but you will separate the advocate from the cause, and, I trust, be disposed to extend to the former that indulgence, which it is your lordships invariable practice to do, at the same time doing ample justice to the serious import of the other. I must claim also your lordships indulgence in consideration of my habits and pursuits, which have differed widely from those which are requisite to qualify me to make an adequate appeal to an assembly like this; but again I trust this deficiency on my part will in some measure be supplied by the goodness of the cause I have to advance. I will not consume more of your lordship's time by a longer preamble, being sensible many noble lords will be extremely anxious to deliver their opinions also; I shall therefore proceed to animadvert shortly upon the prominent features of the Speech, leaving to others the detail, who will be better able to do justice to the same. In the first place, my lords, we are informed in the speech, that soon after the Treaty of Tilsit had announced the dereliction of Russia to the cause she had espoused, his majesty's ministers received the most clear and positive information, that it was the intention of the enemy to compel the courts of Denmark and Portugal to subscribe their navies to a general confederacy about to be formed against this country, and with a promptitude and decision that does them infinite credit, they immediately resolved to frustrate so formidable a combination. It is known to your lordships that this has been effected, with respect to Denmark, by force of arms. The hostile sentiments of that court, evinced in many ways during some years past, rendered fruitless every other mode of proceeding. It was an unfortunate circumstance, my lords, that the Danish fleet, the only object of our solicitude, should be encircled by the walls of the capital, thereby causing misfortune, which every humane mind would wish to have avoided; but it is creditable to the arms of this country, and meritorious in the officers commanding the expedition, that every attempt was made to prevent a loss that was inevitable. As soon as success, my lords, enabled you to judge for yourselves, you found verified every prediction of the government; an arsenal over supplied with every material of equipment, magazines replete with stores, ascertained to have been purchased by the agents of France, and those demonstrations which could not escape the eye of seamen, that the fleet was on the eve of being fitted out. The result I need not add; that fleet is now safe and secure in the harbours of England, ready, if necessary, to be employed in her defence; and by so many ships of the line of which it is composed, by so many degrees do I consider the liberties of this envied country secure.—My lords, it is justly said in the speech, "That to place out of the reach of this confederacy the fleets of Portugal and Denmark was the indispensable duty of his majesty." And yet, my lords, I have heard it rumoured, that a difference of opinion exists upon this subject (not in the country), but with some members of your lordships' house. If that is the case, I own I am curious to learn the argument that is to be advanced. Is it possible, my lords, that any candid and impartial person can doubt the paramount necessity of this expedition? Permit me, my lords, to put the case the other way, and to suppose that his majesty's ministers, confiding in what is termed the faith of treaties, and refusing all other evidence, had neglected to avail themselves of the naval superiority of this country to secure the Danish fleet, what would have been the result? Will any man doubt that the speech would now direct us to prepare against a naval confederacy composed of a force equal to forty sail of the line, from supposing the independent monarch of Sweden had been able to remain a quiet spectator, and that this force was destined against the most vulnerable parts of our empire. My lords, would not indignation have swelled the breast of every man in this country against a government so deficient and remiss? Censure would then have been appropriate; and at present I cannot admit it to be so; if the idea does exist. It is gratifying, my lords, to reflect upon the means employed to secure the navy of Portugal from the grasp of France, by recommending to that court to transfer the seat of their government to the Brazils? It is gratifying to see one government of Europe prefer emigration to submission to France. My lords, I consider that event (next to securing the Danish fleet) the most consequential that has occurred since the commencement of this eventful war, and provided a strict friendship and liberal policy is pursued by both nations, the most beneficial result may be seen. It is gratifying also to reflect, my lords, that at the very moment when our merchants are deprived of their trade with Russia, so large a portion of the continent of America is thrown open to their enterprise. Upon our late transactions with Russia, my lords, I do not mean to dwell; every one of your lordships must have read his majesty's reply to the aspersions of the court of Petersburgh; and every candid and impartial mind must be satisfied that the conduct of England is justified in a manner as honourable for the nation as creditable to those who framed that state paper; but, my lords, I am anxious to extract some good out of this evil, and I forebode a benefit to arise to this country from the dereliction of Russia; I hope, my lords, we shall become independent of her for ever. If the legislature of these kingdoms will grant a liberal bounty to encourage the cultivation of hemp and flax, both at home and in the British colonies, we may yet live to greet the day of our quarrel with Russia, and even hail with satisfaction the inauspicious Treaty of Tilsit. With respect to the other powers of Europe, my lords, with the single exception of Sweden, they are prostrate at the feet of France, and until national energy and spirit returns, they must obey the mandates of their domineering master. But the conduct and spirit of the independent monarch of Sweden merits every eulogium; may he be successful to the last, and may we grant him all that aid so pointedly recommended by his majesty, and which such constancy and courage deserve! I trust, my lords, a British force will aid him in the Baltic, to defy his enemies, and that British gratitude will compensate any loss that he may be obliged to suffer, by transferring to him some of those colonies we can so well spare, and must soon take from our joint foes. My lords, I wish it was possible to animadvert with satisfaction upon the conduct of the United States of America; local knowledge, obtained by me at the early periods of the French revolution, enables me to form a very decided opinion with respect to that country, and I am sorry to say, my lords, I cannot form a flattering one. I am, however, happy to learn, by the tenor of the speech, that it is not the intention of his majesty's government to concede one point more to that illiberal and prejudiced people. My lords, we must make a stand somewhere; and where can we do it better than in defence of our seamen and our trade; which they unequivocally demand? If America prefers French alliance to British connection, it is not in your lordships power to controul her choice; nor can you prevent that war, which I do not wish to see take place; but which, if it does take place, my lords, I am confident, if pursued by us with judgment and reference to the American character and situation, no man need fear. With respect to the affair of the Chesapeake frigate, my lords, as a naval officer I may be permitted to be a little prejudiced, and to hold an opinion in some small degree differing, perhaps, from his majesty's government. It is not, however, my intention to dispute the accuracy of their proclamation lately issued, nor the principle of respect which is due to national ships of war, as applicable to the governments and nations of Europe; but as merited by America, if all the detail of that transaction was before your lordships, I am inclined to think you yourselves would question. However, my lords, while the American navy is confined to a few frigates, the compensation that has been made may not be of material import; how far it may affect us hereafter, time only can shew. But, my lords, our chief concern is with France, with whom some individuals would make a peace. I have taken the liberty, my lords, to write down some of her sentiments upon this subject, as described, in what we may call her official paper, and wherein she informs you, conformably to her practice since the earliest periods of her revolution, of the conduct she means to pursue, and from which she has never varied, but from necessity alone. She proclaims, my lords, "That she will not lay down her arms, but will augment her force, until she has conquered the liberties of the seas, the first right of all nations." In recommending to us an armed truce, which she calls a peace, she says, "It shall endure until she chuses to proclaim anew the principles of her armed neutrality, when she permits you to proclaim your principles of maritime law?"—Now, my lords, is this that which you are willing to accept as your peace? Have we already forgot the peace of Amiens? Do we wish to see her seamen all restored, and the pendants of her ships going up, when ours will necessarily be coming down? Never will I believe that the good sense of this country will entertain the idea of peace, until moderation marks the conduct of this enemy, for his professions are not worthy of reflection. I am glad to see a great commercial city think like me, and I hope her opinions and example will be imitated by others. My lords, although the arms of Europe may appear on the side of France, I cannot believe their hearts are against this country. If we remain firm and unappalled, as recommended by his majesty and exemplified by himself, some balance may yet be preserved in Europe; if we yield, no man can foresee the consequences. Having now, my lords, though in a very inadequate manner, animadverted upon the prominent features of the speech, I shall conclude my address to your lordships, in what may be termed a trite and common manner; but it is neither, on that account, the less appropriate nor required. I allude, my lords, to my hopes, that I may receive the unanimous concurrence of your lordships to the Address I am about to propose. Parliament was never assembled, my lords, at a period when the example of unanimity would be so beneficial: I therefore solicit it. To mark to the enemy we are unanimous in our opposition to him; to manifest to the people of this country we are unanimous, when their first and most essential interests are concerned; and to shew to his majesty that undiminished respect and attachment so much his due; to do our duty, my lords, in imitation of him, who through a long, arduous, but a glorious reign, has so conspicuously done his.—The noble earl concluded by moving an Address to his Majesty, which Address was, as usual, an echo of his majesty's speech, and nearly the same as that which we insert in this day's proceedings of the house of commons.

Lord *Kenyon* rose, and in a speech of some length supported the address. We have to express our regret that the tone of voice was so low in which the noble lord delivered himself, as to render it inaudible below the bar. We understood him to applaud decisively the Expedition to Denmark, as a measure of wise and vigorous policy, and one productive of the most salutary consequences; sentiments which he thought must be felt by every individual in the kingdom. He also adverted to the unprincipled and ambitious projects of the enemy, among which he included the imminent danger of Turkey, a consideration which he seemed to think worthy of the serious attention of the British government. He thought the address, when he recollected the language held out by certain noble lords at successive periods, could not consistently meet with opposition from any quarter. He also adverted to our dispute with America, and applauded the spirit with which his majesty's ministers had conducted themselves in not surrendering the naval rights of the country to the claims of those people; and concluded by hoping that all trifling differences of opinion would, on this occasion, give way to the public good, and that all their lordships would be unanimous in voting for the address.

The Duke of *Norfolk* felt as much as any noble lord in the house the vast importance of their coming to an unanimous vote upon the present occasion, and therefore he was sorry that not the least tittle of information had been given to one of the most material points in his majesty's speech, as the want of that information might render the unanimity extremely doubtful. The point he alluded to was the expedition to Copenhagen, and he could not enforce its importance in stronger terms that those which his majesty had been advised to make use of in his speech; for it was therein stated, that it was with the utmost reluctance that the orders had been given; but of the nature of the cause for surmounting that reluctance, and attacking even the capital of, he might say, an ally, their lordships were left in perfect ignorance, and to all appearance were so to remain; for although it was noticed that orders had been given for laying various other papers before parliament, not a single document relative to Denmark was alluded to. The noble lord who moved the address had said, he should listen with curiosity to any arguments which might be attempted against that transaction; for that noble lord he had the highest respect, and consequently could entertain no doubt but he sincerely approved of an action which he so much extolled; but then, he must suppose that noble lord had been made acquainted with those particulars, and that information, which he thought the whole house was entitled to have, nay, ought to have, before they came to a resolution for the approval of such a measure. The noble duke said, he did not wish it to be understood that he meant to condemn the expedition; for, perhaps, if he was as well informed as he presumed the noble lord must be, he might be as great an advocate for it as the noble lord himself; but until he had sufficient reason, he could not bring his mind to approve of attacking a power with whom we had been so long in amity, and who had given so many instances of attachment to this country; and therefore, as no information was either offered or promised, he should move as an Amendment to the Address, "That the whole paragraph approving the late expedition to Denmark should be omitted." There were other parts that he did not entirely approve, but he would not detain their lordships by animadverting upon them at present, and therefore concluded by moving the above amendment.

Lord *Sidmouth* began with expressing his regret, that the speech had not been so constructed as to ensure the unanimity of all parties. He lamented that ministers had not abstained from introducing topics upon which a difference of opinion was likely to prevail. He fully agreed with the noble baron, who seconded the motion, that it was desirable in the highest degree, that all minor contests should be absorbed in the great contest in which we were engaged. He lamented exceedingly, that he found it impossible to concur in the expressions of approbation which were unfortunately introduced in the address; but he could not, consistently with his duty to his sovereign, or his respect for his own character, concur in approving what had taken place at Copenhagen, without further information. On that momentous measure, he trusted ministers would yet be able to lay such documents before the house as would justify an enterprize deeply involving the honour and character of the nation. The noble earl had set out with stating, that Denmark, for several years past, had indicated an hostile disposition towards this country. In what were these indications manifested? Were they indicated in the conduct of that power when the British fleet entered the Baltic? At that time the Danish army was in Holstein, prepared to resist the French, or any other power that should attempt to violate their neutrality. Was the Danish navy prepared either to make or repel an attack? He should be told, that the quantity of naval stores collected in the arsenal of Copenhagen was a proof of the hostile intentions of that court. These, it was said, were collected on account of France, and for French purposes. But these could not have been the motives of the expedition to the Baltic. When did this perfect understanding between Denmark and France take place? Was it before or after the peace of Tilsit? The Definitive Treaty between France and Russia was signed on the 8th of July, and lord Gambier entered the Baltic on the 3d of August. This circumstance was sufficient to prove that ministers did not act upon any information they had obtained of the secret engagements entered into between France and Russia, and in which they would have it to be understood Denmark concurred. To justify, therefore, the attack upon Copenhagen, it ought to have been proved that the danger was a danger of great magnitude, and such as could not be warded off by any other means; for, certainly, the calamity inflicted was not proportioned to the calamity apprehended. He hoped, for the honour of the nation, it would be made evident that the danger was great. He could not give his assent to the opinion, that if Holstein were occupied by the French, Zealand would be at their mercy. Nothing but such a frost as would render the Great Belt passable by an army, could have endangered the safety of that island. He had conversed with many naval and military persons of great experience, and they fully acquiesced in this opinion. His lordship used many other arguments to prove the impracticability of the French getting to Zealand, and thereby obtaining possession of the Danish fleet; but, supposing they had, he would not so derogate from the valour, the activity, and the exalted character of the British navy, as to admit for one moment, that any well-grounded apprehenons was to be entertained from the addition of 16 sail of the line to the maritime strength of the enemy. The ships were much inferior to British, French, or Spanish: but it was not ships, but men, that this country wanted. If our dangers were not increased by the attack upon Copenhagen, those of our ally certainly were. Did ministers never contemplate the possibility of that measure being retorted upon powers for which they must feel interested? had they no apprehension that Russia, France and Denmark might be brought to coalesce against Sweden?—Having briefly touched upon them in the commencement of his speech, he would not lay any further stress upon the contradictory statements respecting the measures which were adopted in consequence of the result of the negotiations of Tilsit. He should have been more disposed to approve what they had done in the Baltic, if they had acted consistently. If they had attacked Cronstadt, taken possession of the Russian navy, and by such an enterprize made us the undisputed masters of that sea, such an act would have been consistent with the magnanimity of justice, and it was much more practicable than might be conceived. All the wars, from the accession of king William to the present hour, in which this country was engaged, had been founded upon the principle of upholding the law of nations; and this was particularly the case with respect to the war which commenced in 1793, and which had continued with little interruption ever since. From that great principle, he could admit no deviation. On these grounds, therefore, he could not, with the present means of information which he had on the subject, vote for an unqualified approbation of the expedition to Copenhagen. There was one part of the address, however, from which he could not withhold his unqualified approbation. He could not speak in terms of adequate applause of the emigration of the court of Lisbon. It was a measure which reflected immortal honour upon the sovereign of that country, and which promised the greatest advantages to England, not immediately indeed, but ultimately. That measure, in every view which he had been able to take of it, opened the most cheering prospect to this nation. With regard to the dispute with America, on the question of our maritime rights, he thought the government had acted wisely in the late Order issued by them, in which they did not insist on the right to search ships of war. We should not be carried away with an idea of our power; and our restrictive policy should be commensurate to the exigency of the case. He wished it had been long before made known that it was not right to search ships of war on the high seas. He earnestly recommended to ministers to inquire into the state of the West India colonies; and to afford them some relief in their distressed situation. The noble viscount, adverting to the subject of peace, took occasion to applaud the conduct of a noble lord (Milton) in Yorkshire, who had exalted his character, by dissuading the people there from petitioning for peace. There was no ground for calling in question the disposition of ministers to make peace, when it could be done with security and honour to the country. The way to restore peace was, to adopt a plan of expenditure that should enable us to carry on the war, and to convince the enemy of the hopelessness of his pursuing it with a view of ruining our finances. It was in vain to look for a secure peace, unless a military system should be adopted, that would be available in peace as well as in war. The noble lord again declared, that he could not concur in the address, unless the part alluded to was omitted.

The Earl of *Aberdeen* defended the expedition to Copenhagen; and maintained, that self-protection was a leading principle of the law of nations. There wanted no greater proof of the inability of the Danish government to resist the power of France, and the determination of the latter power to compel it to join in hostility against this country, than their joining the Northern confederacy, in 1801; and alleging as a reason for it, their inability to resist the power of Russia. It was in vain, therefore, to urge, that Denmark might have resisted the power of France, and thus draw an inference against the expedition, as it was evident she could not; added to which, she had repeatedly evinced hostility against this country. Much had been said against the extraordinary and unprecedented nature of this expedition; but there was a precedent of a very recent date, in the conduct of the late administration, with respect to Turkey; and he did not conceive it more probable that the Turkish fleet should sail into the English channel than the Danish.

Lord *Grenville* rose and spoke as follows:—There are so many points, my lords, in the speech which has been this day delivered to the house, that appear to me necessary to be adverted to, that I should do injustice to my feelings if I did not endeavour to state them to your lordships. No noble lord could come into this house with a more anxious wish and expectation, with a more sincere desire than I did this night, that at a period like the present, every petty contest and private difference should be sacrificed to the greater object of unanimity, in an address to the throne. At a period which, as the speech expresses it, may be called the crisis of our fate; when it becomes now a question, whether the British empire, the growth of so many ages; whether the British constitution, which has for so long a period promoted and extended the interests and happiness of the empire, whether these shall now be overthrown and crumbled into ruins. At such a period, I was led anxiously to expect, it was my most earnest wish and desire, that every petty triumph, that every little feeling, would have been given up and merged in the great cause of the country; that the house would not have been called upon to pledge itself upon disputed points, or to approve of measures without any evidence of their necessity or utility. It was to have been expected, particularly from those who were the friends of our illustrious statesman, now no more (Mr. Pitt), whose name can never be mentioned without that tribute which is due to his great and exalted merits, that they would have followed his example, in abstaining from those points which so immediately tend to prevent that unanimity so desirable at the present crisis. From the commencement of the war in the year 1793, down to the termination of the administration of that illustrious statesman, in no speech delivered to parliament at the commencement of a session were parliament called upon to pledge themselves in support of measures, without evidence before them of the propriety or utility of such measures; in no case were they called upon to approve of measures, before the papers relating to them were produced, whereon a judgment might be formed, according to the evidence of the case. Yet, in this instance have ministers, departing from so salutary a rule, and in violation of every principle that ought to actuate their conduct upon such an occasion, not only called upon parliament to approve of measures which nothing but absolute necessity could justify, and respecting the necessity of which not a tittle of evidence is produced, but have even called upon parliament to applaud other measures now, respecting which papers are hereafter to be produced, upon which alone the propriety of such measures can be justified. Thus have they called upon this house to approve of the expedition to Copenhagen, although not the slightest evidence is before your lordships, to enable you to judge of its necessity, and to congratulate his majesty on the refusal of the Russian mediation, respecting which the documents, proving the grounds of that refusal, and upon which alone we can form our judgment, are promised to be laid before the house. Even were we to give our approbation of the former measure without any evidence before us, it would be no sanction; it would be no testimony of its necessity, or its policy; for even a righteous judgment would be an unrighteous one, if given without evidence; nor can I conceive any thing more incongruous, than to call upon your lordships already to approve of a measure, before the documents respecting it, which are promised, are laid before the house. With respect to Denmark, my lords, I have hitherto refrained, as was my duty, from expressing an opinion; I have refrained from even forming an opinion, willing to believe that there were circumstances which justified the expedition to Copenhagen, and anxiously expecting, that at the meeting of parliament, evidence respecting those circumstances would be laid before your lordships' house; or, at least, that some information would be produced, enabling your lordships to judge of the necessity of that measure. It is truly said, my lords, in the speech, that the eyes of Europe and of the world are fixed upon the British parliament. There is on the continent of Europe a great reliance in the integrity and in the justice of the British parliament; they look with anxiety for its decision upon the motives and the policy of that expedition. It has already made an impression throughout the continent unfavourable to this country. How much greater will that impression be, if parliament gives its decision, approving of that expedition; and still more, if it does so, without any evidence or information upon the subject. What must then be the opinion on the continent of Europe, when they find the British parliament not only approving of such an expedition, but giving their approbation without an iota of evidence before them, without the slightest information that could tend to establish its justification? When I first heard of the expedition, I conceived that there might exist circumstances to justify it, although none but those of the most urgent nature could. I received, at a considerable distance from town, his majesty's Declaration respecting that expedition, and found that secret articles were stated to exist in the Treaty of Tilsit, which proved the determination to form a hostile confederacy against this country, of which Denmark was to form a part. Then came the Declaration respecting Russia, in which we were told not of secret articles, but of arrangements made at Tilsit; and now the speech, which we have this day heard, says not one word about either. When the grounds upon which the expedition to Copenhagen is justified, are thus shifted, is it not of the utmost importance, that we should have some information as to the real state of the case? We find ministers making a strong assertion in the outset; that assertion is afterwards weakened, and now, is not at all mentioned in the speech this day; namely, respecting the secret articles or arrangements at Tilsit, which formed the ground-work of the justification of the Copenhagen expedition, and yet no information upon the subject is laid before the house. Ministers have asserted, that there were secret articles in the Treaty of Tilsit, affecting the interests of this country, and the French government have asserted that there were none. Here, then, was a challenge; and it was incumbent upon ministers to prove their former assertion;

but this they have not attempted to do, and have given up the assertion in the speech. I am well aware, that there might be circumstances which would imperatively justify an expedition like that to Copenhagen: it is laid down by the most approved writers on the law of nations, that where you have certain evidence of the intention of an enemy to seize upon a neutral territory, neutral vessels, or property, such neutral being incapable of resisting, and thereby to place you in imminent danger, you have a right to seize such neutral territory, vessels, or property, in order to insure your own safety. The same writers, however, state the dreadful consequences which would result from the application of such a doctrine, unless the imperative circumstances are clearly proved and accurately defined; the danger ought to be clearly established, and the incapability of the neutral to defend itself. We are told in the speech, that his majesty had information that France intended to collect a large force to bear against this country. My lords, can any one of us doubt this, or that this country would be equally desirous to bring a large force to bear against France? But how does this bear upon the point? Even if Denmark had become a party to a treaty against this country, could that be a justification for seizing her fleet or her territories? We know how France has acted upon this principle on the case of Naples which became a party to the coalition against France, which I fear is lost to its sovereign for ever; and in the case of Hesse, where there was only a suspicion that the sovereign was favourable to the cause of the coalition against France. It is said, however, that the hostility of Denmark is clearly proved; and in what manner? because her fleet was in a state of preparation, and because she had, at different times, evinced a hostile feeling towards this country. With respect to her fleet, was it not natural, when all the powers around her were at war, that she should be in a state of preparation? But, my lords, if I am not grossly misinformed, so far from that being the case, the greater part of the Danish ships were laid up in ordinary. Upon this part of the subject, however, I trust that parliament will call for information, as in this respect information may be easily obtained, and may certainly be imparted without the slightest danger. As to the acts evincing the hostile feeling of Denmark, is it to be contended, that acts, long since buried in oblivion, are now to be raised up again to prove the hostility of Denmark? Is it because she was hostile in 1801, that she must be hostile in 1807? But, it is said, that Denmark was not disposed to resist the demands of France, and yet it was owing to her sending her troops into Holstein to resist the encroachments of France, that our expedition conquered Zealand, and seized the Danish fleet. It is said, however, that, had Denmark been disposed to resist France, she was unable; and an inference of this nature has been drawn from an allegation, stated to have been made by that power in 1801, that she joined the coalition against this country, because she was unable to resist the power of Russia. This statement, I am inclined to think, is incorrect. In those transactions in 1801, I bore a part, until about February or March in that year; and I am positive that no such Declaration was then made by Denmark, nor do I think, from the facts of the case, that it could be made afterwards; because Denmark was not incidentally drawn into the coalition, but was the main instrument in forming the league; but, although she might make such an assertion, for the purpose of softening her conduct towards England, yet it does not at all bear upon the present case. It is contended, however, that if the French troops occupied Holstein, Zealand must fall of course; but this is not at all proved. On the contrary, there are between Holstein and Zealand two passages of the sea, the one six and the other sixteen miles wide, which a French army must cross to invade Zealand, and where they might be met with effect by British or Danish ships. If it is to be contended that Zealand must fall, if Holstein were occupied by French troops, it might as well be said, that England must be conquered by the French, because they occupy the continent of France, there being only a channel 21 miles broad between Dover and Calais, only five miles wider than the passage between Holstein and Zealand. I am aware that the latter passage is sometimes frozen over; but still the difficulties of transporting a large army over such a breadth of ice, and with all the articles necessary for such a force, would be a most insuperable obstacle.—Thus, the case with respect to Denmark rests entirely upon assumptions in the first instance, which are afterwards magnified into assertions, and at length introduced, by ministers, as facts into the speech delivered this day to parliament; a conduct highly reprehensible, and deserving the severest reprobation. It has been argued, however, by the noble earl who spoke last, that the expedition to Copenhagen had a precedent in the expedition to Constantinople. If it is meant to be contended, that the expedition to Constantinople was an instance of bad faith, how is that to justify another instance of bad faith? If the late ministers were wrong in advising the expedition to Turkey, let them be condemned; but do not let them have the mortification of having it quoted as a justification of an act of bad faith. The facts, however, are, that the expedition to Turkey was chiefly in conformity with the treaty with Russia, and that its object was, not to seize the Turkish fleet, but to compel the execution of treaties.—With respect to the other points of the speech, I cannot help lamenting, that, on the subject of peace, it should be so worded as to tend to induce a belief that peace would be rejected. Upon this subject the noble viscount (Sidmouth) has nearly anticipated all the arguments which I meant to urge. When we contemplate the crisis in which we are placed, and the information derived from the speech, by which we learn, that in addition to the hostility of France, Spain, Holland and Italy, which we knew before, Russia, Austria and Denmark are also hostile, and Portugal lost, we surely may be excused for considering, whether any means exist of obtaining a just and honourable peace. I agree perfectly in the praise given by the noble viscount to the noble lord (Milton), who, in spite of clamour and delusion, manfully declared sentiments which evinced a just and magnanimous, as well as a judicious and correct mind. I would be the last man to call in question the right of the people to petition, but I do not think that peace is to be obtained by petitioning the throne. Petitions of such a nature are injurious, not because they impart to Bonaparte any new fact with respect to the situation of the country; but, because they tend to convey to the enemy an exaggerated representation of that situation, which rather tends to retard than accelerate peace. Anxiety must, however, naturally be produced, when in addition to the enemies already enumerated, when nearly the whole coast of the continent is a hostile shore, we find that there is a probability of a war with the United States of America. Such an unexampled crisis calls for the exertion of every energy of the country, whilst at the same time one cannot help looking forward with great anxiety to the future.—With regard to the two propositions asserted by ministers; first, that we should not enter into a negotiation, unless the basis of that negotiation be previously stated; and, secondly, that we should not avail ourselves of the mediation of any power, not perfectly impartial, or suspected of partiality to the enemy, I cannot conceive any thing more preposterous. The second proposition is peculiarly untenable, because we do not accept a mediator as an umpire, but merely as a medium for facilitating our communications with the enemy. If the mediator be partial to the enemy, what injury can result to us? we are not bound by his sentiments; and we may avail ourselves of his interposition, by rejecting which we may provoke him to declare against us. Such, precisely, has been the case with respect to Russia. That there might be reasons for rejecting the mediation of Russia, and that we had the right to make that rejection, if adequate reasons existed, I do not mean to deny. But let us not promulgate new doctrines, which are equally irreconcileable with practice and principle. Now, as to the first proposition, I contend, that in the whole history of this country, or of the negotiations of other civilized nations, no precedents can be found to sustain it. If ministers can produce me one instance in which the statement of a basis has been insisted upon, as a preliminary to negociation, I pledge myself to produce ten instances of a contrary practice; and, as to the precedent of the last negociation, I should draw from it quite a different conclusion from that which ministers seem disposed to press; for I think it must be manifest, that the case of that negociation proves how unimportant it is to the object of a negociation to obtain the previous statement of a basis. In fact, such a thing is a matter of no consequence, and ought not to be insisted upon.—As to that topic of the speech which relates to Portugal, it appears to me, that ministers have appreciated the subject very erroneously indeed. The simple questions are, what have we lost, and what have we gained by the emigration of the court to the Brazils? We have lost, as a publication of the enemy recently stated, two of the most important ports for us on the whole coast of the continent of Europe (Lisbon and Oporto). And what have we gained? sir George Staunton states, that when he was at Rio de Janeiro, the shops were glutted with English goods. What then are we to obtain in addition by the presence of the prince of Brazils in that settlement? How, I would ask ministers, are the Brazils to be made more productive for this country, than they have been, by any other means than those which would tend to the consummate ruin of our own colonies? I do not mean to revive the question of the Slave Trade with this or any other topic. But, I contend, that the increased culture of the Brazils, far from being of service, would be injurious to you; and I cannot conceive how the emigration of the court of Portugal to that territory, can extend the market for your goods, which it had already afforded you. Indeed, I am rather of opinion, with a late demi-official declaration of the enemy, that the transfer of the Portuguese government to the Brazils will turn out more advantageous for France, than for this country. In so far as this emigration shews any friendship for us, or as it presents a contrast to the conduct of other powers, it certainly forms a grateful subject for the contemplation of mankind. But, as to the commercial or political advantages to be derived from it to this country, I cannot consent to delude my countrymen by holding out such an idea.—In all that I have said, my lords, I have carefully abstained from any personal reference to the conduct of those by whom his majesty's government is at present directed. My object is to consider their measures, and by those measures to appreciate their merits. I must, however, take notice of some at least apparent contradictions in the language and conduct of the noble lords on the other side. In reviewing the dreadful catalogue of evils which menace this country, I do believe that I speak the universal sentiment when I say, that the greatest additional calamity for us, and the greatest advantage for France that can well be imagined, would be a war with America. Such, indeed, is the language of ministers themselves; and yet what has been their conduct? Why, at the very time when it is most material to avoid such a war, they, as I am ready to maintain, absolutely alter the law of the land to promote it. Ministers state, and in that I agree with them, that no difficulty or danger can befal the country equal to that of acquiescing in the surrender of our maritime rights. If America were to put forth such a claim, then a call upon parliament and the country to resist it would be unanimously answered in the affirmative. But America has not asserted any such claim. It has, indeed, been stated that she has, and we have been told by some noble lords on the other side, that too much concession has been already made to that power. What do noble lords mean by concession? I wish when such assertions are made, those who make them would state some particulars. If they refer to the late Treaty with America, which the American government refused to ratify, I contend, that so far from too much concession being made in that treaty, it absolutely went to impose restrictions upon American commerce far greater than those mentioned in the Declaration of the Secretary of State. But, yet, the late ministers felt the force, and were alive to the importance of all the reasons which should urge this country to avoid a war with America. The identity of language, the similarity of habits, the old, the commercial, the family connections, had all their just weight in our consideration of the jubject. We, therefore, determined to preserve the old laws which regulated our intercourse; and I entertain not the smallest doubt, that had the course we commenced been consistently pursued, it would have answered the end in view, by preserving the amicable relations and just interests of both countries.—The speech, I observe, studiously separates the two questions involved in our controversy with America; namely, that of the affair of the Chesapeake, and that relating to our Orders of Council. But, does any man suppose, that those questions will be separated in America? No: nor can they be separated in discussion here. In examining the Orders of Council, they must be considered in three points of view; first, as they affect our commerce; secondly, as they affect the constitution; and lastly, as they affect our negociations with America. When all the papers relative to this important question are laid before the house, it will be for us particularly to inquire, whether his majesty's government can constitutionally enact such prohibitions, as these Orders of Council contain; next, whether the time chosen for issuing those orders was not peculiarly exceptionable, as they must serve so much to inflame the minds of the Americans, already so strongly excited against us; and also, whether we had any right thus to annihilate the whole trade of America—thus to say to that power, as our Orders distinctly expressed, "Not a ship of yours shall sail which shall not be subject to confiscation by us, or to conditions which shall subject it to confiscation by the enemy?" I repeat, that this is the language which the decree of ministers proclaims to America, and I would ask, whether such language is reconcileable with any law, or usage, or principle of equity? Let me, then, intreat your lordships deeply to consider this subject; to examine its policy; to interpose your authority and influence for the purpose of restoring moderation and justice to your government. What the late ministers did in consequence of Bonaparte's Decree of blockading of the British isles is in the recollection of the house. They retaliated, not upon America or the neutral powers, but upon France. The Orders of Council, however, commence with an assertion, which I find echoed in his majesty's speech. In that speech I see, for the first time, a thing unparalleled in any production of this nature upon record; namely, an imputation cast upon the conduct of his majesty's government for the last 15 years. But, when such an imputation is cast, I would call for proofs to sustain it. When Bonaparte issued his blockading Decree, we expressed a hope that such a decree would not be acted upon. We might be thought too sanguine in that hope; and yet we were not altogether disappointed. But, what have the present ministers done by their Orders of Council? Why, instead of urging Bonaparte to revoke his decree, they have produced the issue of other decrees, to strengthen and confirm that which, in fact, could never have been executed, if it were not for the aid derived from our Orders of Council. What did we do? We adhered to the principles of the law of nations. It has always been a principle of that law, that the trade between the enemy's ports should be interdicted during war, and we extended that interdict to Holland, Spain, and the other nations, which we found to be subservient to the commands of the enemy. We did not attempt to extend a system of blockade for all Europe, by taking the course which the present ministers have done in their Orders of Council, and in which I maintain they have actually violated an article of Magna Charta. They could not, I contend, upon the king's authority, constitutionally decree such extraordinary prohibitions. But, their mode of proceeding has been altogether exceptionable. Our course ought to be, to ask the neutral powers whether they meant to submit to Bonaparte's blockading decree? and if so, that we must act accordingly. Now, this course we did take; but the present ministers did not wait for any reply to this requisition, at least from America, before they issued their Orders of Council. Now, it turns out, as I am informed, that America received the most satisfactory assurances from the French government, that its blockading decree would not be acted upon against American shipping. In point of fact, it appears, that it never was so acted upon. Why, then, the whole foundation upon which our Orders of Council profess to rest, is done away, and ministers, by their indiscreet precipitancy, have put unnecessary fetters upon our own commerce, and most unjust restrictions, or rather a total prohibition, upon the commerce of America. But, what the farther consequences of such precipitancy may be, it is painful to contemplate. What must be their operation in America! How much must this aid the views of the French party, if such a party be there! Had you waited for the answer of the American government, before you issued these Orders of Council, and had such answer implied an acquiescence in the French decree, then your friends in America might have maintained that any restrictions imposed through you upon American trade were attributable to the hostility of France and the connivance of the American government. This impression would have been highly serviceable to you in America, and prejudicial to France. But, your haste has rendered that hopeless. France, however, never did, as I have already said, act under its extravagant decree, against any American ship. Indeed, I do not think that it ever meant to enforce such a decree. That and all the other decrees of the same character which have since followed, were, I firmly believe, but mere experiments upon the wisdom and discretion of the British government; and these experiments have unfortunately had but too much success. France irritated you to come forward and execute decrees which, if it were not for your aid, must have been a mere dead letter, except in her own ports, in which you could not at any time interfere with her jurisdiction. The French decrees could in fact avail nothing, if you had acted prudently. But, in aggravation of the other mischiefs resulting from your conduct, you have placed this country in that state, with respect to America, in which France would have been, had your course been different. For, although France, by its decree, originated the system of restriction, yet all the odium of the system will attach to you in America, in consequence of your inconsiderate haste. Your conduct must be viewed with reference to this, as well as the other topics I have referred to, when we come to consider those Orders of Council. I hope I shall always be found to stand up, and, I trust, firmly, for the rights and privileges of my country; but, yet, I would ask, does any privilege belong to us, is any principle to be found that can warrant the restrictions which ministers have imposed upon American commerce? And I would also ask, upon what grounds the paragraph in the speech, which refers to these restrictions, can be justified? I allude to that paragraph which implies a censure upon the conduct of his majesty's government for a series of years, by regretting his adherence to justice and moderation. Such, I am certain, are not the personal sentiments of his majesty: no, they are contrary to every principle of his life; they are, indeed, in that proportion, unfit to be put into such a declaration. The plain interpretation, in fact, of this paragraph is this, "that we have been too long carrying on a most unequal contest of justice against injustice." But, if so, I maintain, that all the advantages of the contest have been on our side. Is this the day, then, in which we are to be told, that for the last 15 years we have suffered by following the principles of justice? Could that great man, (Mr. Pitt) whose opinion has had such influence on our councils during that period, could he, my lords, look down upon this declaration, how much would he deprecate the sentiment, that we ought to terminate the "unequal contest in which we have been engaged, of justice against injustice!"—The noble baron here shortly recapitulated the topics upon which he had touched, and concluded with an impressive appeal to the house, as to the necessity of an immediate inquiry into the state of Ireland, with a view to the adoption of measures, calculated to conciliate the population of that country. The principal points to which he would direct the attention of the house upon this subject were familiar to their lordships, and he conjured his majesty's ministers to use their utmost endeavours to remove every obstruction to the attainment of those objects; for, compared to the question of Ireland, every other subject which called for their attention—every topic that had been alluded to in the course of the debate, was trifling—was, in fact, little else than driving nails into the sheathing of a ship, while her main timbers were on the point of starting.

Lord *Hawkesbury* said, he should not have considered the conduct of his majesty's ministers justified, if they had not taken the first opportunity at the meeting of parliament, to ask for the support and unanimity of parliament. It had been demanded by a noble lord (Grenville), on what principles had ministers undertaken the attack on Copenhagen? Unless there were circumstances to make the noble lord disbelieve what his majesty's speech contained on that subject, the noble lord ought to believe it; but there were facts and proofs before the world to justify the conduct of his majesty's ministers. The noble lord had misunderstood the facts, when he asserted that this country did not acquire its information by legitimate means. If the government had acquired it by illegitimate means, they had done an act which merited reprehension in the eyes of the world. No sooner had Austria and Russia fallen, than France became ruler of the continent of Europe. Our enemy had the power and the will to injure us, and the situation of Europe justified ministers in adopting any offensive or defensive measures, necessary for the protection of this country against the power of France. When France declared our ports in a state of blockade, the interests of neutral states were reciprocal; but neutral states were bound to protect themselves; and if they did not do so, England was entitled, by the law of nations, to adopt principles necessary to support her commerce, and for her preservation. He would ask the noble lord, whether there was any state on the continent of Europe where justice was to be had on the established law of nations? The law was the will of the French, and consequently the law of Great Britain must be to provide for her preservation. He had no hesitation in saying, his majesty's government did receive information that there were secret engagements in the treaty of Tilsit to employ the navies of Denmark and Portugal against this country. The evidence required by the noble lord to prove this fact, was of a description which could not possibly be produced. If government were to communicate private information there would be an end of all confidence, and at this time, when Europe was under the controul of France, the lives of individuals, friendly to this country, would inevitably fall a sacrifice. There were, however, facts in corroboration, which proved that his majesty's ministers did receive private information of the nature alluded to, and no statement appeared, even in the papers published by order of the French government, to contradict the assertion. That information was corroborated by a variety of other channels wholly unconnected with each other. It was corroborated by the testimony of the government of Portugal, to whom it was proposed to make common cause with the continent against England, and to unite their fleet with that of Spain, of France, and of Denmark, to enable the confederacy to make a general attack upon these islands. It was corroborated by the testimony of different persons in Ireland, where, strange to say, all the designs and projects of the enemy were most speedily known, and where it was promised that the combined fleets of Spain, Portugal, and Denmark, would make a descent both on Ireland and this country. Nay, what was more, not only were these means pointed out to the disaffected in Ireland, but they were, moreover, made acquainted with the period of time when the design was to be carried into execution. As to the intentions of Denmark towards this country, as little doubt could be entertained. It was now well known that Denmark, upon a comparison of the inconveniences that would result from a rupture with this country and with France, was of opinion that the disadvantages of a war with France would be less than those of a war with England; and, as to the state of forward preparation of her fleet, certain circumstances appeared to our naval officers, which proved to them that the fleet was intended soon to put to sea.—Now, as to the question, why we did not also attack the Russian fleet, there were abundant reasons for not doing it. Was it wished that we should have proceeded to Cronstadt and seize the Russian fleet, while we left the Danish fleet of 16 sail of the line behind us? The Russian fleet, besides, was not so ready for sea, nor so well calculated in any respect as the Danish fleet to carry the designs of the enemy into execution. Moreover, there were many circumstances in the Treaty of Tilsit which indisposed the people of Russia against that treaty, and even at the time the seizure of the Danish fleet was known at Petersburgh, the emperor of Russia seemed more disposed than before to renew his relations with this country.—As to all that had been urged against the Orders in Council, and against the dispute with America, those were questions he should not now enter into. While negociation with America was pending, it was doubtless better to abstain from any discussion that would only tend more to inflame the minds of the two countries.—He lamented the uncalled-for mention of the state of Ireland. The concessions alluded to by the noble baron could not now be thought of. Indeed, even if those concessions were made, still greater ones would be called for, and there would be no end to such demands. He had made it his business to trace the evil in Ireland to its remotest source; and he was convinced that the concessions alluded to would not quiet the people of that country for one single month.

The Earl of *Buckinghamshire* said, he gave the noble lord credit for the truth of the information he had received, but he had not seen any document to prove that Denmark was in league with France, or that the Danish fleet was to be employed by the enemy. He referred to Mr. Pitt's opinions respecting the rights of independent states, and contended, that that great statesman would never have countenanced such a proceeding as the attack upon Denmark.

The Earl of *Lauderdale* considered it an extraordinary mode of endeavouring to procure unanimity, by withholding all documents, if there were any that could give authenticity to the statement of ministers. Why were not the Secret Articles of the Treaty of Tilsit produced? It would not be necessary to give the names of the persons who communicated to ministers their information; but, if it existed, surely they might give the information itself to the house. The fact was, however, that the Treaty of Tilsit had nothing to do with the attack upon Copenhagen. That treaty was concluded in July; the attack on Copenhagen took place early in August, and the Expedition must have been at least some weeks in preparation. With respect to the stores said to have been collecting at Copenhagen, it was well known, that the Danish government annually expended a certain sum in laying in naval stores, but not more this year than usual. The Danish fleet was far from being well equipped, even when sent over here. But the Danes were said to be in hostility with us. Surely, when we attacked a man's property, we had no right to consider it as an aggression that he endeavoured to repel us. The noble lord then took a view of the conduct of ministers with regard to Portugal. He thought the flattering prospects held out respecting the trade to the Brazils extremely delusive, and observed, that notwithstanding the secret understanding which ministers pretended they had with Portugal, the Prince Regent would have remained at Lisbon, had not an article appeared in the Moniteur stating that the House of Braganza had " ceased to reign." The late Orders of Council he declared to be highly unconstitutional, as they confiscated property, and dispensed with the Navigation Act, without the authority of parliament.

Lord *Mulgrave* said, that ministers never pretended to have possession of any Secret Articles of the Treaty of Tilsit; but they were possessed of secret projects and agreements entered into at Tilsit. With regard to Portugal, he assured the noble earl, that there was not only an understanding with that power, but that a secret treaty had been concluded between his majesty and the Prince Regent. The only reason why that treaty was not laid on the table was, that it contained an article, stipulating that it should not be made public without the consent of both the contracting parties. He could not communicate it until that authority was given. —The motion for the amendment moved by the duke of Norfolk was then put and negatived.

Lord *Grenville* rose to move another amendment. The address implied an approbation of the rejection of the offered mediation of Russia. Instead of which he proposed to insert words, which would have the effect of stating, that their lordships could not but feel that their approbation must depend upon the circumstances of the case; and that they therefore could not express any opinion upon the subject, until the necessary information was submitted to them.—This amendment was put, and also negatived without a division. The original Address was then agreed to, and ordered to be presented to his majesty in the usual form.

[PROTEST AGAINST THE SEIZURE OF THE DANISH FLEET.] A motion was made to omit the fourth paragraph in the motion for an Address to the Throne (viz. the paragraph respecting the Seizure of the Danish Fleet), and the question being put, " That the said paragraph do stand part of the motion," the same was carried in the affirmative.

" DISSENTIENT,—Because no proof of hostile intention on the part of Denmark has been adduced, nor any case of necessity made out, to justify the attack upon Copenhagen, without which, the measure is, in our conception, discreditable to the character and injurious to the interests of this Country.

W. FREDERICK,	VASSAL HOLLAND,
RAWDON,	NORFOLK,
LAUDERDALE,	SIDMOUTH.
GREY,	

" DISSENTIENT, for the above reasons, and for those that follow:—Because, It has only been through the slow and painful progression of many ages, that civilized nations have emerged from a state of continual insecurity and violence, by the establishment of an universal public law, whose maxims and precedents have been long acknowledged to be of the same force and obligation, as the municipal constitutions of particular states. A system which has gradually ripened with the advancement of learning and the extension of commerce, and which ought to be held sacred and inviolate by all governments, as binding the whole civilized world under one politic and moral dominion.—Because, Alleged departures from the principles and authority of this public law, in the earliest stages of the French Revolution, were held out by the parliament of Great Britain, as the origin and justification of the first war with revolutionary France, and because in all its subsequent stages, the continuance of hostilities was uniformly vindicated in various acts of state, as being necessary for the support of the moral and political order of the world, against the avowed disregard and subversion of it by the different governments of France, in their groundless and unprovoked attacks upon the independence of unoffending nations.—Because, The people of G. Britain, on being repeatedly called upon by the King and Parliament to support the public law, thus alleged to have been violated, and to exhibit an example to the most distant ages, of inflexible national virtue, submitted to the heaviest burdens, and sacrificed the most essential advantages, rather than consent to any peace, which was considered by their government as an abandonment of their allies, or as an inadequate security for the rights and privileges of other nations: and because it appears in many State Papers, during the progress of the wars with the different governments of France, that it was the duty and the interest of G. Britain, and her pledge to the world, to maintain inviolate the acknowledged principles of public law, as the only foundations upon which the relations of peace and amity between nations could be supported.—Because, It is the first and most indispensable maxim of public law, founded indeed upon the immutable principles of justice, that no violence should be offered by one state to another, nor any intrusion made upon the rights, property, independence or security of its inhabitants, except upon an aggression by such state, and the refusal of adequate satisfaction; or in the rare instance of indispensable necessity, involving national destruction, such as in the case of an individual would justify homicide, or destruction of property for self-preservation: and because the observance of this rule should, if possible, be held more sacred by great and powerful nations, it being the very end and object of universal law, to give perfect security to the weakest communities under the shadow of an impartial justice.—Because, The late attack upon Copenhagen, in a season of profound peace with the crown and people of Denmark, and immediately following the solemn Declaration by the Crown Prince, of his resolution to maintain his neutrality, and to consider any nation as an enemy which should seek to disturb it, would, without some just cause, which in this case is wholly unsupported by proof, be a most manifest and unprincipled departure from the whole system of moral policy and justice, which the British Government had, as above, professed to act upon, inasmuch as any contempt or violation of public law by the Government of France, though it might release Great Britain from all observance of it, as far as regarded such offending belligerent, could not possible destroy or affect its protective sanctions in her intercourses with friendly and peaceable states. On the contrary, it ought to have invested the Law of Nations with a more binding and sacred obligation, since the professed object and justification of our war with France at that very moment was to restore to a suffering world the good faith and security which had been lost by a contempt of its dominion.—Because, information of a projected confederacy between France and Denmark, assumed, without evidence, to have been communicated to ministers through channels which called, on their parts, for inviolable secrecy, might be a foundation for acquitting them from blame, if the question before the house had been the propriety of their acquittal or condemnation, yet it cannot possibly justify, in the absence of all proof, an address to his majesty, pronouncing their attack upon Copenhagen to be an act of indispensable duty; because, giving credit to the declarations of ministers, that they had informations of such projected confederacy, it is impossible for this house to know whether they ought to have been acted upon to so dreadful an extent, without having before it, most precisely and distinctly, the specific nature of such communications, so as to be able to estimate the credit due to them; not only from the facts themselves, but from the situations and characters of the persons by whom they were made.—The conduct, besides, of ministers, in the whole transaction, is in manifest opposition to this principle of the attack. They made no such charge upon Denmark when before Copenhagen, nor even pretended to have invaded her with a cause of war. Their language upon the spot, and even in the Address proposed to his majesty, is the language of regret, a language utterly inconsistent with the vindication of a proceeding, which would have been as mild and forbearing against an enemy, as it was barbarous and treacherous against a friend. The position also of Denmark, when the assault was made upon her, is the strongest evidence to resist the presumption of an understanding with France. Her army was in Holstein, which France was menacing, whilst Zealand was left defenceless, and the ships dismantled, at a moment when the consciousness of a treaty or confederacy must have suggested to all the confederating parties, the necessity of concentrating the whole force of Denmark, to defend her capital, and to secure her fleet. —Because, no evidence whatever has been laid before the house, to establish any hostile confederacy between Denmark and France, nor any design on the part of the former to depart from the strictest neutrality; on the contrary, the above-mentioned solemn declaration of the Crown Prince to the British minister ought to have been received by his majesty's servants as the pledge of a firm resolution to maintain neutrality; and because nothing short of a hostile design in the government of Denmark could justify the demand of her fleet, or the bombardment of Copenhagen, to enforce the surrender of it.—Because, It was completely in the power of G. Britain to have protected the Danish fleet from any hostile attack of France, which destroys the pretence of such an indispensable necessity as could alone justify even the slightest trespass upon a peaceable and unoffending state.—Because, Still assuming, in the absence of all evidence to the contrary, that the government of Denmark was faithful to her neutrality, no speculation of the probable fall of her fleet into the possession or power of France, could possibly justify its hostile seizure by G. Britain. Such a principle would be utterly subversive of the first elements of public law, as being destructive of the independence of weaker states, inasmuch as it would create a jurisdiction in the stronger nations to substitute their own security and convenience for the general rule, and invest them also with the sole privilege of determining the occasions upon which they might consider them to be endangered; and because to justify the attack and plunder of a weak unoffending power, upon the assumption that a stronger belligerent might otherwise attack and plunder her, would be to erect a new public law upon the foundations of dishonour and violence, making the tyranny of one nation a warrant for substituting the dominion of oppression for the sacred obligations of morality, humanity, and justice.—Because, supposing it to have been not only probable, but even certain, that France could have succeeded in carrying away in the winter the ships and stores from Copenhagen, but without the consent of Denmark, faithful to her neutrality, the iniquity of that act, in sound policy, independently of all considerations of justice, ought to have been left to the French Government to perpetrate; because the carcases of the ships would have been the only fruit of an act of the deepest atrocity, whilst the indignation of a brave and generous people, now too justly directed against G. Britain, would then have been pointed against France; and Denmark, with the protection of our fleets, might have kept open the Baltic to our commerce, and extended our maritime means of restoring the tranquillity of the world.—Because, Until this attack upon Copenhagen shall receive vindication by proof of its justice, or condemnation, in the absence of it, from the parliament of G. Britain, she has lost her moral station in the world, since the very system of wrong and violence, which she has so long confederated Europe to destroy, at the expence of her blood and resources, will have been established and confirmed by her own example.—Because, A whole nation ought not in the mean time to be dishonoured, nor its immemorial characteristic brought into question for the acts of ministers; and because it is the duty of those subjects, who, by the constitution of the government, have the high privilege of perpetuating their sentiments upon the public records of their country, to vindicate themselves from the imputation of having acquiesced in acts of the greatest injustice. "ERSKINE."

HOUSE OF COMMONS.

Thursday, January 21, 1808.

The house met this day for the dispatch of business. At three o'clock, Mr. Quarme, yeoman usher of the black rod, appeared within the bar, and informed the house that the lords, authorized by virtue of his majesty's commission, desired the immediate attendance of the house, in the house of peers, to hear the commission read. The Speaker, accompanied by several members, accordingly attended. On their return, the Speaker took the chair, and acquainted the house, that in pursuance of the provisions of an act of the 24th of his present majesty, he had ordered writs to be issued for the election of members for the following places: Beaumaris, in the room of lord Newborough, deceased: Lincoln, in the room of colonel Monson, deceased: Tavistock, in the room of lord viscount Howick, now earl Grey: the county of Monaghan, in the room of R. Dawson, esq. deceased; and the county of Donnegal, in the room of H. V. Brooke, esq. deceased.—The Clandestine Outlawry bill was, according to custom, read a first, and ordered to be read a 2nd time.—New writs were ordered as follow: For the borough of Mitchel, in the room of G. G. Mills, esq. who had accepted the Chiltern Hundreds: for Whitchurch, in the room of the hon. W. Broderick, who had accepted the office of one of the lords commissioners of the treasury: for Stamford, in the room of general Leland, deceased; and for Clithero, in the room of the hon. J. Cust, now lord Brownlow.

[THE LORDS COMMISSIONERS' SPEECH.] The *Speaker* acquainted the house that that house had been in the house of peers, where the lord chancellor, one of the lords authorized by his majesty's commission, had read a most gracious speech from his majesty, of which, to prevent mistakes, he had obtained a copy.—He then proceeded to read the Speech from the chair, for which we refer to our report of the proceedings of the lords, see p. 1. After the Speaker had finished the Speech,

Viscount *Hamilton* (son of the marquis of Abercorn) rose to move the Address. His lordship began by observing, that he would not waste the time of the house, by entering too much into detail on a subject which they understood a great deal better than he could possibly pretend to do. But they all knew the situation of Europe, and the situation of Great Britain; they all knew the nature of the struggle in which this country was engaged; they all knew the inveteracy of the merciless and exasperated foe, who was bent on their destruction; they all knew the value of the objects for which Great Britain had to contend; they all knew that she stood alone in the contest, that on no human power could she place any reliance, that she had to depend only on her own resources, on her own spirit, and on her own determination. These were facts that were self-evident, they were subjects of public notoriety, and he, therefore, trusted that the house would acquit him of presumption in speaking of them. We were not only opposed as man to man, or as nation to nation, against one of the most gigantic powers that ever existed in the world, but to a power which, in addition to its own strength, had succeeded in absorbing into itself almost every other European state. The situation of the country was, therefore, most critical; it required the most vigorous exertions, it demanded the most liberal sacrifices. Faint heartedness would be our destruction. There was no mid-way for us between success and ruin. Under such circumstances, the contemplation of the resources and spirit of the country, was a subject of consolation and pride; and, however the protraction of the war, with the inevitable burdens, and the partial obstruction to commerce, which that protraction occasioned, were to be lamented, we had only to look around us, to be thankful for the contrast which we presented to the neighbouring nations; to be thankful for the liberty, for the happiness, for the pre-eminence which we enjoyed; to be thankful, that instead of our means having been impaired by our difficulties, they had, on the contrary, increased with them, and had been cemented by the very circumstances which were projected for their destruction. Great Britain at the present moment exhibited the astonishing spectacle of a country, which, at the end of 15 years war with a most powerful antagonist, had gained every thing, and lost nothing. Every where we had inflicted blows on our enemy; no where had we received a blow from him. Our commerce had flourished; our wealth had encreased; our possessions had multiplied. Our navy, always formidable, had swept every hostile fleet from the face of the ocean. War, the curse of every other nation, had to Great Britain been a comparative blessing. Indeed, such was the extraordinary state of Europe, that he apprehended very much that war was the only mode by which the advantages which we had acquired, could be maintained. Peace, under the present circumstances, while it would be as expensive to us as war, would be tenfold more dangerous. Successfully, however, as we had resisted the machinations and the violence of the foe, still the house was not less bound to take care that those ministers, whose duty it was to direct the resources and the energies of the country, were fulfilling that duty; that they were competent to the discharge of the functions with which they were invested; and that they deserved a continuation of the confidence of the country. This would be best ascertained by a retrospect of their acts, and those acts were so fully described in his majesty's most gracious speech, that it appeared to him needless to recapitulate them. In the regret which his majesty expressed at having been compelled to adopt hostile measures against Denmark, the house would undoubtedly join; but it would be a regret unmixed with reproach, it would even be a regret overpowered by feelings of gratitude to his majesty for his paternal care in rescuing the country from the most formidable danger to which it had ever been exposed; for, after the Treaty of Tilsit, after the subsequent conduct of Austria and of Denmark, it was impossible that any man could doubt of a combination of powers having been formed against us. Perhaps, among the various causes which had laid the continental states at the foot of France, none had contributed more largely to produce that disastrous effect, than the facility with which those states admitted every violation of the law of nations, of which the enemy wished to avail himself. We alone had avoided becoming the victims of the credulity, the irresolution, and the delay, that had overwhelmed all other countries. God forbid that we should ever degenerate into an imitation of them! He trusted that at such a crisis, encompassed as we were by external perils, we should never be cursed with the greatest of all evils, a timid and feeble government. High as the spirit, and extensive as the resources of the country were, its danger would indeed be imminent, were the administration of its affairs placed in the hands of men who, with their eyes open to the designs of the enemy, would be content to reply to his acts by arguments, or hesitate to act themselves from the apprehension of responsibility. Too long, indeed, had that enemy been permitted to proceed in his career of violence to neutral powers for the aggrandizement of his own. That the expedition to Copenhagen was most important and most critical, every one must have felt when its termination was in suspense; every one must now feel that it was most wise. Its criterion was its success. With respect to the evils by which it was accompanied, every effort had been made to avert, and subsequently, to mitigate them. He challenged the annals of Europe to produce an instance of a warlike enterprise, in which so much entreaty had been resorted to before success, and so much forbearance manifested after it. What his majesty's ministers had planned with decision, they carried into effect with a force which could leave the Danes no hope of triumphing in a contest; and he confessed, he could no more consider the Danish government as justified in sacrificing the lives of so many gallant men in a hopeless resistance, than he could admire the heroism of the prince, who, himself escaping from the dangers by which he was environed, coolly devoted his capital to destruction, and its inhabitants to slaughter.—The conduct of the Russian government was another proof, that on ourselves we must depend for our security, and even for our existence. This last lesson that we had received, was, surely, the last lesson we could require to prove to us, that however ready we might be to co-operate with the nations of Europe in the cause of Europe, to our own cause, to ourselves alone we must look. Accustomed as we had lately been to witness extraordinary events, he could not avoid expressing the astonishment which he felt to see the emperor of Russia, the champion of the continent, secured by his situation from the fate which had overtaken other countries, voluntarily put the last hand to the degradation of the powers of Europe; to see him descend from the proud eminence on which he had been placed, for the purpose of violating his engagements, and of crouching under the throne of that usurper whom he had so recently insulted and defied. That such should have been the conduct pursued by the emperor Alexander, must be deeply lamented. Unsatisfactory, indeed, was the consolation, that the time would soon come, when he would have infinitely more reason to repent that conduct, than we had now to lament it. The contrast which the firmness and magnanimity of the king of Sweden displayed, commanded equally our admiration and our support; and he was sure that the house would gladly enable his majesty, not only to fulfil his engagements with that gallant prince, but also to show the world that it was not by the quantum of immediate interest that we measured our national faith and friendship.—Of the many important subjects of consideration suggested by his majesty's speech, none were more important than the principles adopted, and the steps taken by our government, to frustrate the enemy's designs against our commerce. So important and so complicated were these subjects, that he felt he should presume too far, if he troubled the house with an opinion upon them of such little weight as his own. As far, however, as regarded the principle of the measures adopted by his majesty's ministers he might, perhaps, be allowed to avow his sentiments. It was the broad principle of retaliation and self-defence. The conduct of France had annihilated every thing in the world like neutrality. There existed but two powers —the enemy's and our own—fortunately, these powers were too unequal to alarm us for the consequences; even should America be added to the number of our foes; an event which could in no wise be attributed to misconduct or precipitation on the part of his majesty's government. In a moment of frenzy France had issued edicts levelled at our commerce. Had the object of these measures been obtained; had they even partially crippled our means, the consideration that a temporary distress to ourselves was utter ruin to our opponents, must have induced us to persevere in the contest with tranquillity and firmness: but, the very reverse was the fact. So far from our means having diminished, although the different branches of our commerce might vary in extent, the aggregate of it exceeded that of the most prosperous period of our history; so much so indeed, that his majesty, in his most gracious speech, expressed his confidence, that no material increase to the burdens of his people would be necessary.—The noble lord trusted, that we might look forward with as much hope and satisfaction as we could look back with content and gratitude. There was one subject from the contemplation of which, in every point of view, unalloyed pleasure must be derived; it was the rescue from the power of France, of one of the oldest and most faithful of our allies, transferred from a country weak and indefensible, to one secure and powerful; an occurrence which afforded a field for brilliant anticipations on our part, into which he would not enter, as he felt that they were of an extent and importance beyond his powers of description, holding out commercial and political advantages in the highest degree encouraging to us. He was afraid that he had trespassed too long on the attention of the house, and should therefore only add, that under the impression of the feelings which he experienced, he should move,

"That an humble address be presented to his majesty, to return his majesty the thanks of this house, for the gracious Speech which he has directed to be delivered by the lords commissioners:— To assure his majesty, that, in this important conjuncture of affairs, he will find in us the same determination with which his majesty himself is animated, to support the honour of his crown, and the just rights and interests of his people; and humbly to thank his majesty, for having been graciously pleased to inform us that as soon as the result of the Negotiation at Tilsit had confirmed the influence and controul of France over the powers of the continent, his majesty was apprized that it was the intention of the enemy to combine those powers in one general confederacy; that such confederacy was to be directed either to the intire subjugation of his majesty's kingdom, or to the imposing upon his majesty an insecure and ignominious peace; and that, for this purpose, it was determined to force into hostilities against his majesty, states which had hitherto been allowed by France to maintain or to purchase their neutrality, and to bring to bear against different parts of his majesty's dominions, the whole naval force of Europe, and specifically the fleets of Portugal and Denmark; and humbly to assure his majesty, that we concur with his majesty in thinking, that, under those circumstances, the placing of those fleets out of the reach of such a confederacy, became an object of essential and indispensable necessity for the security of his majesty's dominions:—That while we feel perfectly convinced, from the knowledge we have of the natural generosity of his majesty's mind, that it must have been with the greatest reluctance that his majesty, in pursuing this important object, so far as related to the Danish Fleet, felt himself compelled (when his majesty's endeavours to open a Negotiation with the court of Denmark had failed), to order his commanders to resort to the extremity of force; we at the same time most heartily congratulate his majesty upon the success which attended the execution of this most painful but necessary service:—That we learn, with great satisfaction, that the object which his majesty had to accomplish, with respect to the Fleet of Portugal, was happily attainable in a manner more congenial to his majesty's feelings; and that the timely and unreserved communication, by the court of Lisbon, of the demands and designs of France, confirming to his majesty the authenticity of the advices which his majesty is graciously pleased to state that he had received from other quarters, naturally entitled that court to an entire confidence on the part of his majesty, in the sincerity of the assurances by which that communication was accompanied, as well as to every degree of forbearance compatible with the ultimate and indispensable object of security to his majesty's dominions:—And to offer to his majesty our most hearty congratulations, that this confidence and forbearance of his majesty have been justified by the event; and that the fleet which had been destined as the instrument of vengeance against Great Britain has been preserved from the grasp of France, and is now employed in conveying to its American possessions the hopes and fortunes of the Portuguese mosatisfaction of hearing from the throne of the stability of the resources, and the flourishing state of the commerce of the country. In the moral character of our government and of our people, in the wisdom and energy of the one, in the bravery and unanimity of the other, we possessed complete assurance of success in the contest in which we were engaged. If he dwelt more on the necessity of war, than on the more popular topic of the possibility of peace, it was not because he estimated too lightly the blessings of peace, but because he dreaded the effects of a hasty and premature one. We had ample means of carrying on war. In our navy we had not only the most efficient defence, but a greater power of active hostility than perhaps we were yet ourselves aware of. By exerting our naval force in every possible direction, we might show the enemy that a predominant navy gives a power scarcely inferior to that of a conquering army; we might controul the haughty mind of the ruler of France, and inspire him with that respect for this country, which alone would insure permanent tranquillity.

Lord *Milton* did not rise to oppose the address, but to express his regret that when Russia offered her good offices as a mediator, his majesty's ministers had not thought fit to accept them. He could not be suspected of any disposition at this moment to encourage a division of opinion on the subject of peace or war, after recent occurrences of considerable publicity, in which he had taken a decided part. To the opinion which he then expressed, he still adhered. He conceived it much better to repress any clamour on the subject until it should be ascertained what steps had been taken by his majesty's ministers for the restoration of peace. At the same time, when he heard flourishing descriptions of the state of the country and of its commerce, he could not avoid remarking, that had the persons who made those assertions attended more to the subject, they would have abstained from them. Locked up as we were from the continent, closed as every market was to our manufactures, how was it possible that our commerce could thrive or be in a flourishing condition? He owned that he had hoped to have heard some assurance from his majesty's ministers, that they were anxious for the restoration of peace; and that they were ready to embrace an opportunity of negociation, from whatever quarter it might proceed. No such assurances had been given. On the contrary, his majesty's speech breathed a warlike spirit, declaring that we were ready to act with hostility not only against France but against the whole world. A great deal had been said on the attack of Copenhagen. It had been asserted, that the house and the country must give full credit to his majesty's ministers for the motives by which they had been actuated. He would say, that to attack a neutral country as we attacked Copenhagen was, prima facie, unjustifiable. It might be justifiable; but he repeated that, prima facie, it was not so. For his part, he could not see the probability that Denmark would have sided with France had we not attacked her. It seemed to him more likely that she would have resisted France. The summer had been an eventful one. We had gone to war with Denmark; we had gone to war with Russia; Austria had recalled her ambassador; the Orders of Council and other transactions would probably produce a rupture with America; and yet, under such circumstances, the house were to be amused with fine declamations on the extent of our resources, and on the progressive encrease of our commerce. Undoubtedly, after the necessary papers had been laid on the table would be the more proper time for discussing these subjects; but he could not refrain from thus publicly recording his regret, that his majesty's speech contained no assurances of a disposition to restore peace, at a time when the whole body of the manufacturers of the kingdom were experiencing such severe calamities.

Mr. *George Ponsonby* observed, that his majesty's speech contained such a variety of topics, that it was difficult to express an opinion upon it. Had the usual course prevailed in this instance; had the substance of the speech been known to the public for two or three days before the delivery of it, this difficulty would have been much lessened. Not only did the speech embrace a great variety of topics, but it was the longest speech, he believed, that was ever read from the chair. It required, therefore, the utmost circumspection in speaking of it, to prevent the expression of ideas not exactly conceived. The first object of the speech as it concerned this country, related to peace or war with France, and the other powers of the continent. It was impossible for him to give a direct opinion of the negotiation or intercourse between the court of London and the courts of Petersburgh and Vienna. Were he to speak generally on the subject of peace or war, he would say, that peace was beyond all question the first interest of England, it was our greatest blessing; but this was an abstract proposition; he could not decide positively on this particular subject, in the absence of the papers, which would show, whether or not peace could have been obtained, compatibly with the honour and interests of the country. Of this he was sure, that the first object of any statesman in the country ought to be to procure a peace, provided such a peace were compatible with that honour and those interests. He begged not to be understood, as in the least degree advising, that in any negotiation this country should tamely listen to the demands of France. To France he hoped England would never bow her head. At this particular time he was fully aware how much it became her, to stand firmly on the high ground to which she was entitled, by her honour, by her dignity, by her resources. He was most ready to admit, that his majesty's ministers would be fully justified in assuming the attitude he had described. If England stooped her head before France she would never raise it again; but to say, whether ministers had acted right or wrong in the particular case to which he alluded, was impossible. His majesty had declared, that all the papers necessary to elucidate the subject, should be laid on the table. 'Till that were done, any opinion must be premature. He would, therefore, abstain from any further reference to the conduct of government on this subject. If it should be shown that that conduct had been right, he would approve it; if wrong, he would not hesitate to express his disapprobation.—The next subject of great importance in his majesty's Speech was the conduct of government with regard to Copenhagen. If he might describe what appeared to him the intention of his majesty's ministers on this point, it was to obtain from parliament an unqualified approbation of their conduct, without laying before it any evidence of the urgency of the motives by which they had been impelled. They were ready to submit to the house the papers relating to the intercourse between Petersburgh and Vienna, but they seemed desirous to abstain from the production of papers which led to a step involving in itself what ought to be the dearest object of national concern—national character. He hoped he should not be charged with asperity in the remarks which he felt it his duty to make on what had fallen from the noble mover of the Address, and from the hon. seconder. He had heard the noble lord with great pleasure, on account of the considerable ability which he had displayed: but, with the highest deference and respect towards him, he was bound to make a few observations on the doctrine he had broached. Ministers, in his majesty's speech, justified the attack of a country, neutral, as it yet appeared, and unoffending, as it yet appeared, by declaring that a determination existed on the part of France, to seize the fleet of Denmark, and to convert it into the means of hostility against this country. This was the justification in the speech. But the noble lord and the hon. seconder justified the step on the ground that his majesty had too long forborn, and had been too long patient of the flagitious conduct of France to other powers, and that he was right in departing from the course which, until that hour, he had prescribed to himself. Now, with regard to the first ground of justification, how the determination of France to endeavour to compel the Danes to join the hostile confederacy against this country, could justify our government in attacking the capital, and seizing the fleet of Denmark, without knowing whether or not she would have agreed to join that confederacy, was beyond his comprehension. If comprehensible at all, it must be from the supposition that the weakness of Denmark might induce her to submit. Now, if he understood the other ground of justification, it was, that our government were not bound to wait for any indications from neutral nations; but that, because Bonaparte had acted unjustly to such nations, our government were authorised in acting unjustly too. In the whole course of the present war, it had been the high boast of this country, that her conduct had been uniformly fair, forbearing, just, and moderate. It had been always used as a great argument in that house, to induce the people to support their difficulties with firmness, that however unjust and oppressive the acts of France had been, England had evinced an opposite disposition, and had been as remarkable for her good faith as France had been for her treachery. The maintenance of such a character for honour, dignity, and fidelity, must, in a long contest, be the surest pledge of success. If, therefore, the right hon. gent. opposite did not mean to produce any papers, to throw a light on the inducements for the Copenhagen expedition, it was impossible for him to concur in that part of the address which pledged him to an approbation of it. He agreed with the noble lord who spoke last, that the expedition might be defensible; he would not say that his majesty's ministers were in error. They might be justifiable. The facts were unknown to him, and, therefore, he could not be expected to offer an opinion on them; but should the right hon. gent. opposite persist in withholding any information on the subject, he pledged himself to move for such papers as would bring the discussion fairly before the house. There were two points which demanded attention; the first was the right, the second was the policy of the measure; on both these points the house was at present without the materials of judging, and the most objectionable part of the address appeared to him to be that the house was pledged to approve of the measure without having these materials before it,—There was another topic in the speech, respecting a new state of hostility, in which we had been lately involved with the courts of Petersburgh, Vienna, and Berlin, on which it was almost impossible to decide till the papers containing the correspondence were laid before the house. He should only now observe, that nothing to him appeared more surprising than the circumstance of England being at war with Austria. That that power, which had uniformly been our prop and support, our partner in misfortune, and our friend on all occasions, should have been influenced to sacrifice its ancient attachment, and to break the numerous ties by which she was united to us, really seemed to him almost incredible—this was something which he could not understand. But, if Austria had been compelled in her fallen state to acquiesce in the demands of France, he hoped that on the part of this country every degree of forbearance would be exercised towards her. In regard to her, surely no conduct could be too moderate, no language too conciliatory. To France ministers might use as harsh language as they thought fit. She had been liberal in her abuse of us, and those who judged it proper might retaliate. But a difference should be made between France and those powers who had been induced to take up arms against us, not from choice, but necessity; and it was besides suitable to the noble and generous feelings of the English nation to employ at all times language as healing and conciliatory as possible.—Another topic of the speech on which he had one observation to make, was contained in that paragraph which related to the king of Sweden, and where his majesty is made to express a hope that the house will feel with him the sacredness of the duty which the firmness and fidelity of that monarch had imposed upon him, and that it would concur in enabling his majesty to discharge it in a manner worthy of this country. If engagements had been contracted with the king of Sweden, he had no doubt of the readiness of the house to enable his majesty to fulfil them. But if it was in contemplation to grant pecuniary subsidies to that monarch, he thought the house ought to pause before it sanctioned such an application of the public money. For, in the course of two or three months they might see gentlemen rising up on the opposite side, and speaking of him in terms similar to those which they had this evening heard applied to the emperor of Russia. It was in the recollection of every one present, that a very short time ago panegyrics, quite as highly coloured as those now bestowed on the king of Sweden, had been lavished upon the emperor Alexander, when he was represented as magnanimous, generous, disinterested, in short, every thing that was great and good. Here, too, it was possible, that he might be wrong, but all that he wished was that the house should not give any pledge till they were in possession of the information necessary to regulate their judgment.—The house, he asserted, was equally destitute of information upon the question relative to America and neutral nations, and, till this information was granted, he had no wish to anticipate their opinion. He should only observe generally, that he should be willing and ready at all times to support any measures which might be found necessary for the assertion of our honour, or the maintenance of our interest.—There was another topic of much importance which might have been introduced into the speech, but respecting which it was wholly silent, namely, the present state of Ireland. On this subject not one word was said, though there was certainly none to which it was more the duty of ministers to call the attention of parliament. He hoped, however, that it was their intention to supply this omission, in the course of the session of parliament. He was fully sensible of the importance which every measure of a public nature derived from coming directly from the servants of the crown; and he hoped that much time would not elapse before they came forward with some proposition calculated to quiet those apprehensions which were at this moment, he was afraid, equally general and well founded.—Having said these few words, he professed to have no intention of taking the sense of the house upon the address. Upon questions where they were wholly without information, it would be absurd to call upon it to express an opinion. And as to the affair of Copenhagen, he promised that he would, on a future occasion, move for the production of the necessary documents, so that it might at least be fairly brought under discussion. All that he wished now was, not to be understood as approving of it; and the remarks he had made were intended chiefly to prevent his being told afterwards, that by consenting to the address he had precluded himself from any future investigation of this important topic. Certainly, no event had occurred in the course of the last century the cause of which so loudly called for inquiry. He hoped that ministers had conducted themselves in a manner deserving the approbation of the people of England; if not, he was well assured that the country would not submit to the obloquy of a disgraceful transaction.

Mr. *Milnes* said, that in offering his sentiments on the present occasion to the house, he should endeavour, as much as possible, to compress closely, as well the ideas which he conceived himself, as those which had been suggested to him by others. Though the gentlemen on the other side had condemned many of the measures adverted to in the speech from the throne, it had not been asserted by any one, that they had not been completely successful; and, whatever they might think of the principle upon which those measures were founded, they could not but consider it fortunate for the country, that they had, by success, proved beneficial to its interests. He could without difficulty, concur in the address, because he had no hesitation in giving his entire approbation to the conduct of his majesty's government. If ministers had, since the termination of the last session of parliament, performed so many essential services to the nation, if they had crowded, as had been well and ably stated by his hon. friend, if he would allow him to call him so, into so short a space of time, a greater number of important events than had ever in the compass of a similar period been accomplished, and certainly than had been effected by the administration which preceded them in office, he could not possibly feel any difficulty in supporting the address which expressed approbation of their measures. He looked upon it to be no inconsiderable test of the unobjectionable nature of the address, that neither the sagacity of the hon. member, who had just sat down, nor of the noble lord who preceded him, could select any one point to which they could seriously object. But, when the speech comprehended, as it did, so many and such various topics, respecting Russia, Austria, Denmark, Portugal, and Sweden, it was extremely easy for any gentlemen to comment upon a separate point, on which each might leave that house indulging the high ambition, that his had been the speech which remained unanswered. And when ministers were to be called to account for what they had done, it must follow that those who should do the most, would have the most to answer for. He would agree with the right honourable gentleman opposite, that it would be impolitic to adopt any measure by which the character of the country might be affected, if the powers of Europe retained their independence, or if the government of Denmark could have been considered free to follow that course which its honour and interest dictated. But no gentleman would contend, that there was a power on the continent which could have resisted the mandates of the enemy. The question respecting the Danish expedition had been considered by the right hon. gent. with reference to two general propositions; first, whether the necessity justified the measure; and secondly, whether the conviction of his majesty's ministers respecting that necessity, was sufficient to justify them. The first had been stated by the noble lord (Milton,) the latter by the right hon. gent. who had just sat down. It was the first duty of ministers to act upon the necessity, and it was equally their duty to use their discretion in judging of that necessity, and if, in acting upon it, they were to err at all, it was much better that they should err upon the side of public security. He should not then enter into an argument to shew that government were justified in acting upon probabilities, because that doctrine was consonant with the law of nations, if any public law had survived the subjugation of the powers of the continent, or if there was now any rule for the conduct of nations to be found in Europe but that of the Napoleon code. He had lately met with a passage in Vattel which fully justified that principle. The passage he alluded to stated, "that when the security of a nation was threatened, its government should act upon reasonable presumption," and concluded with asserting, "that too scrupulous an attention to justice in times of danger, paved the way to slavery." So far the authority of this great civilian justified the conduct of his majesty's ministers. On the ground of confidence alone he should be disposed to concur in the address, though ministers had not submitted the sources of their secret information either to the curiosity of that house, or to the vengeance of Bonaparte. But though he could give his vote for the address on the ground of confidence as to their secret information, he yet felt, that he could justify the conduct of ministers upon facts which were accessible to them all. If Denmark had been really worse disposed to this country than she was, would she not have pursued precisely the same course she had followed? Would she not have delayed her Declaration till she was fully prepared, and reserved some causes of complaint, till she might seasonably make them the ground of her hostility? We were not to expect any explicit declaration of their motives from powers under the influence of France. Denmark had acted precisely as she would have done if she had entered into the views of our enemy, and this was a sufficient ground for the measures adopted by ministers. The extraordinary concentration of French troops on the frontiers of Holstein, and the submission of Denmark to the decrees of France, and her remonstrances against our maritime rights, together with her active and formidable naval equipments, were sufficient evidences of her submission to Bonaparte. Another ground of his confidence in ministers was derived from a view of the state of Europe. Let us pass over every other evidence, said the hon. gent. and look only at Europe, confederated as she is against us; to Prussia, whose Declaration against England France hardly thought it necessary to conceal in the hard conditions of her peace; to Russia, who, under great disguise, still found no protection from French controul in her unbroken strength; to Portugal, who equally found none in her weakness and compliance; and to Austria, who, without any maritime interests, seemed forced into this maritime league only to finish and round off this confederacy, to supply whatever was this night wanting in arguing from the analogy of the rest of Europe, and to shew how miserable indeed was the deception, if Denmark ever imagined that she alone of every other state was to be exempted from the invasion of her neutrality. With a large navy, with a more extended commerce, and with the keys of the Baltic in her hands, would Buonaparte have allowed her to remain as a monument of reproach to the vassalage of surrounding countries, and to have broken the continuity of the chain which binds every shore of Europe?—He ought not to quit the subject without bestowing a remark on the opinion of the noble lord (Milton), that the expedition should be condemned, because the Crown Prince of Denmark was in Holstein, and his forces unprepared. Strange as that sentiment might be, it excited no surprise in his mind. It was a specimen of the politics of the school of which the noble lord was the disciple, or perhaps leader; and when a noble lord (H. Petty) announced that their leading policy was "nos rebus servamus secundis," or that they would never assist a friend till he was in a condition not want it, he could not but think the advice of the noble lord perfectly natural, that we should never resist an enemy till he is in a condition to despise our resistance.—The hon. gent. insisted, that the more concealed the attempt, the greater necessity there was to guard against its mischievous tendency, by a prompt and vigorous defeat of it. The treaty of Tilsit had fixed and bound the emperor of Russia fast to the views and measures of Buonaparte; every act of his, since the execution of that treaty, had daily and hourly evinced his increasing adherence to his plans and designs against this country. The right hon. gent. had declined to enter into any argument on the subject of the Russian mediation, because information had been promised to be laid before the house; and also on the conduct of the courts of Vienna and Berlin, because he should move for information on those subjects on a future day. He would not, therefore, take up the time of the house, by entering further on either of those topics at present; but he would observe, that he had no doubt on his mind, but that the conduct of both those powers had been actuated and guided by the predominant and overbearing influence of Buonaparte, who would not suffer any power on the continent to continue at peace and amity with us; and therefore he thought ministers were no ways culpable on account of the recent conduct of those governments. He then adverted to the dispute with America, and hoped that the good sense of the moderate and thinking people in that country would so far influence its government, as that matters might still be brought to a fair and reasonable accommodation. His majesty's present ministers had on their part shewn every desire to do away every cause of complaint as far as they could, without making a sacrifice of our most important rights. Mr. M. then went into the various questions of Russia, Portugal, and Denmark. These were the various topics, which arose out of the Address; they with him bespoke individually the prudence and activity of ministers, and presented in the aggregate a prospect the most satisfactory. What might be the issue of these our endeavours, whether peace or war, he could not say; if war, we had the hope of similar success; if peace, the consciousness that we had earned it. That peace, of which they had that night heard so much, he would entrust to the hands of ministers. They would on the one hand perceive and estimate, what the sincerest lover of peace must admit to be discouraging; that peace, in its most flattering aspect, would be little more than a suspension of hostilities, and that no formal act of government could root out rancour and stifle jealousy; and if therefore we did return the sword, that our hand must never quit the hilt, and above all, feeling that Bonaparte would in his terms wish to question our maritime supremacy, a patrimony entailed upon us, and therefore not matter of negociation, they would judge how far a peace was promising under such appearances. He repeated it, that were Bonaparte to abdicate his throne, and depose all his minion princes, were he to restore to France her legal government, and to Europe the balance of power, they would not in his mind be equivalent for the sacrifice of our command at sea, or justify ministers in dishonouring this unattainted title, by which we style ourselves Englishmen. On the other hand, he trusted that ministers were fully awake to the exigencies, that they required no speeches or petitions to tell them that privations must be numerous, and the pressure deplorably severe. He hoped ministers wanted not to be told that peace had fewer calamities than war. And, in vindication of that part of the country with which he was locally connected, he would say, that if the noble lord (Milton) supposed that that public voice was meant only to express the existence of misfortunes which all in part felt, he was sure he was right; if he meant to say that it was connected with any political opinion whatever, as sure was he that he was wrong. Under these impressions, he should give his unqualified support to the Address.

Mr. *Whitbread,* whatever might have been his disposition not to trouble the house with any observations on the present occasion, could not remain silent after the speech of the hon. gent. who had just sat down. However he might respect the talents of that hon. member, and the discernment with which he applied those talents in commenting on the eloquence of those who had preceded him, he could not agree with him in his observation, imputing a defect of sagacity to his right hon. friend (Mr. Ponsonby), than whom no man possessed that faculty in a more eminent degree. Neither the hon. gent. with all his talents, nor all the concentrated talents of Europe, could overturn the eternal principles of justice which his right hon. friend had asserted. The hon. gent. had quoted a passage from Vattel, in justification of the expedition to Copenhagen; but this passage would not apply to the defence of a measure so cruel and unjust in its principles, and which he feared would prove so baneful in its consequences to this country. He agreed with his right hon. friend, that it was possible it might be justified, and he hoped he would follow up the notice he had given for papers to ascertain that point. The hon. member who had seconded the address, and for whom he entertained a high respect, had talked of the private morality of the nation; but he wondered that hon. gent. did not blush for the right hon. gentlemen below him, when making that observation. Had this country, which had been so long calling upon the Living God in defence of morality and social order, now at length found out that its conduct was wrong, and that Bonaparte, who had been all that time worshipping Baal, was right? By the attack upon Denmark we had gained fifteen in the late negotiation. As to Austria, she had never assigned any cause for her hostility to this country, and this fact would appear from the documents to be produced.—With respect to the motion of which the right hon. gent. had given notice, for papers relative to the expedition to Copenhagen, it was very possible he might move for some information which might safely be produced. But if he should, for the purpose of removing, as he represented it, the foulest stain that ever attached to the annals of any nation, move for the secret information upon which that expedition was undertaken, as far as his judgment went, he believed he would never have ocular conviction. The right hon. gent. was at a loss to imagine why this secret intelligence was not published. But he would assure that right hon. gent. that as the fact now stood, and as it would be made out in argument, ministers would trust to it for their justification, and never expose the source of their secret intelligence. If this subject was again to be brought into discussion, he begged to state, that he would prove the measure not to have been unprecedented, and though the conduct of his majesty's ministers might be held up in a few speeches in that house to the execration of the country, they would run than risk and incur that penalty, rather than suffer the secret to be torn from their bosoms. But, was this the moment when such documents were to be called for? Was it possible, at a time when there was no capital on the continent where the power of Bonaparte could not drag the offender against him to execution; when there was no British accredited agent in any country of Europe, was it possible, that such a time should be fixed on for divulging the sources of secret intelligence? Was this country to say to the agents, who served it from fidelity, or from less worthy motives, you shall serve us but once, and your life shall be the forfeit? He should contend, as his hon. friends had done, that the arrangements at Tilsit, and the measures which ensued, without any document, fully justified the measures of government. He should be glad to know what motives could be ascribed to his majesty's ministers for acting as they had done, if not from the conviction of the necessity of the case. He could easily conceive a factious motive for imputing to them an intentional delusion of the public, but he was confident he could make out a full justification, though he thought it right to state before hand that no force should extort from them the secret source of their intelligence. If any doubts could be entertained of the designs of Bonaparte, thus far he could tell the hon. gentlemen, that the communications from the Portuguese government related as well to the Danish as to the Portuguese navy. What had happened in Portugal was sufficient to convince every fair thinking man of the truth of the information respecting Denmark, and the wisdom of the steps taken upon that information. In taking those steps, the present ministers had the example of their predecessors before them. It was only necessary to apply to Denmark the principle they had applied to Portugal, to threaten and coerce secret enemies, or at least suspicious neutrals, instead of old and faithful allies. The same cause that prevented parliament from possessing similar information respecting most of the other projects of the late ministers, prevented it from possessing the documents respecting the expedition of earl St. Vincent to Lisbon, namely the failure of the plan. The traces however were to be found in the Foreign Office. The instructions were the same, but the issue was different.—With respect to the late proceedings at Lisbon, it was necessary for the country to know, that the court of Lisbon always made an unreserved communication to his majesty's representatives, of the full extent of the demands of France, as well as of the extent to which it was disposed to comply with those demands, rather than proceed to the last extremity; and of the point beyond which it would refuse compliance, let the refusal be accompanied with what risk it might. These communications were accompanied with an assurance, that in no case should the persons of British subjects, or their property, be injured or violated. Under those circumstances his majesty's government thought it right to allow some latitude for obtaining by negociation, and particularly by shewing the vigorous determination of Great Britain, the forbearance of France. Even though some doubt might have been entertained of the stability of the good faith of Portugal, it seemed better to run all risks; and the issue had justified the determination. With respect to sending an army to defend Portugal, we had the assurance of a most able officer, that no army Great Britain could send would be adequate to that object, and the presence of such an army was deprecated by the prince Regent, as tending to precipitate his ruin. A secret treaty, signed in Oct. last, bound the Portuguese government not to admit a French garrison into the Portuguese forts, and to protect the persons and properties of English subjects. This treaty was faithfully executed on the part of Portugal. It was a fact, that a French force had entered Portugal, and had advanced some way before the fact was made known to the head of the Portuguese government; and this was at the moment when the known presence of such a force on the frontiers, and a promise that it would forbear to enter, had induced the prince Regent to shut the ports against the English, and to seize the small remains of British property that were to be found. This proceeding called forth some degree of hostile retaliation on our part, which was abandoned as soon as the discovery of the actual invasion of Portugal by the French led the Portuguese government to see that its only chance of safety was in the alliance and under the protection of Great Britain. The advantage of this conduct was felt in the emigration of the Portuguese government, in perfect friendship and alliance with Great Britain, to the Brazils, and yesterday, more immediately, on the arrival of the dispatches announcing the surrender of Madeira to this country. There was, certainly, reason to believe that there was treachery in some part of the Portuguese government, and to that part must be attributed the occasional prevalence of French interest, and the concealment of the advance of part of the French army, at a time when assurances were given that it would not pass the frontiers.—It was remarkable, that while the application of force at Copenhagen was condemned by the gentlemen opposite, the non-application of it at Lisbon was censured no less severely; but so it would have been if the force had been applied at Lisbon, and negotiation at Copenhagen. Censure would have still followed the force and the negotiation. Copenhagen, then, would have been lost by foolish confidence, and Portugal outraged by unprincipled and impolitic violence. A French army could not have reached Lisbon in less than five or six weeks; but a French army was on the very frontier of Holstein, ready to overrun that province, and to enter Zealand immediately after. The Danish army was not in a condition to resist; the compromise of shutting the ports and surrendering the fleet was of course to be looked for, and then the confidence in Denmark would have been commented on as weak and imbecile as the confidence in Portugal was said to be at present. It was strange that this proceeding with respect to Copenhagen was objected to by the very men who advised the occupation of Madeira without the consent of the Portuguese government in the year 1801. That measure was viewed with as much indignation by the Portuguese government then, as the seizure of the Danish fleet was now by the court of Denmark. Certainly, the repugnance was as much justified on principle; but the Portuguese government itself had since recognized the justice and propriety of the proceeding; for Portugal herself could not have preserved the Island from falling into the hands of France.—With respect to the points of mediation and peace, he had no objection to discuss those also at the present moment. Though there was reason after the Treaty of Tilsit, for this country to entertain a more hostile policy towards Russia, every thing that friendship and conciliation could dictate was done to the last moment, when the hostile Declaration came with as much surprize upon Petersburgh as it did upon London. So it was also with respect to Austria. No complaint, no remonstrance, no discussion had preceded the recal of the ambassador of that power; not even so much as a notice: so it was also with respect to the recal of the Prussian Ambassador; and here he felt himself called upon to contradict an insinuation in the Moniteur, which charged baron Jacobi with giving to the court of London the secret information respecting the proceedings of the French government in Prussia, when the fact was, that this information came from a British minister. With respect to the late supposed negotiation for peace, no tangible overture had been made by the French, or the Austrian government. Prince Stahremberg, with that generosity of character for which he was so distinguished, had made an offer of his personal services to institute and establish a pacific intercourse. But that was not the mode of negociation which could be satisfactory to a country like this. The gentlemen at the other side sneered, as if they knew more than he did on this subject. There had been a period within his memory, when the minister of a party had braved the king's minister in a foreign court [alluding to Mr. Adair's conduct at St. Petersburgh, during Mr. Pitt's first administration], but he hoped such an instance would never occur again, and he would not advise any one to try it. The expedition to Constantinople had been instituted at the recommendation of Russia, as a diversion which, it was said, must be successful, if accompanied with troops. No troops were sent, and it was unsuccessful. There being no object for the further continuance of hostility, a negociation for peace with the Porte was commenced, in conjunction with Russia, and the Treaty was far advanced when Russia broke off from us, to negociate under the influence of France, and thus induced the Porte to break off the negociation with us.—With respect to the only remaining independent state, namely, Sweden, it was our duty to invigorate, inspire, and support it, rather than to excite doubt and despondency. He should say more on this subject in a few days, when he should probably have to bring down a message from his majesty, calling on the house to make provision for subsidiary engagements which were about to be concluded with the king of Sweden, and which would be communicated to the house of course.—With respect to the differences with America, it had been thought right, frankly and voluntarily to disavow the unauthorised act of hostility towards the Chesapeake. The provocation the officer who had committed that act had received, went far to excuse him: but the right of searching ships of war had never been acted upon long or to any extent, and in later times it had not been acted upon at all. It was, therefore, thought right to abandon this unfounded pretension unequivocally; but in doing so, his majesty's ministers were determined not to concede a point of what the strict and established right of Great Britain, and the usage of nations justified, and required the British government to support. With respect to the late Orders of Council, retaliating the restrictions of the French government upon our commerce, he maintained our right to go as far as France, and that it was only by making France feel the effects of her own injustice, that we could hope to bring her to more reasonable conduct. The vigour of the British navy when put forth with a determination which the moderate spirit of the government had hitherto restrained, would prove equal to cope with the power that France had established on the land. It would appear, that if France combined all the powers of the continent to oppress us, the effect was but to increase our strength and energy, and to make us triumph under oppression. He had thought it right to say thus much now, in explanation of the grounds he meant to go upon when the several questions should come to be more particularly discussed hereafter.

Lord *Henry Petty* said, that whatever merit as to style, the speech ascribed to his majesty might possess, it wanted the more vulgar but more important merit of a full statement of facts. It was a singular instance to be in a state of war with a power against which there were no documents to prove an hostile act. The only reason stated for refusing information was, that those who had communicated the intelligence might be thereby injured. But, all the mischief that could be occasioned by this had been done already, for ministers had in a public Declaration stated, that they had intelligence as to the secret articles of the Treaty of Tilsit. It was extraordinary in those who had, about a year and a half ago, exposed the ministers of different courts to animadversion, by their communications, to be so scrupulous on this point. With regard to the expedition to Lisbon sent out by the late ministers, it was curious enough to hear it said, that it had failed, merely because its object had been attained without the violence employed against Denmark. If lord St. Vincent had proceeded as ministers had done, where would now have been their golden dream as to the Brazils? He wished for no better parallel than the instructions which had been given to lord St. Vincent, compared with those given to lord Cathcart, and he wished the right hon. secretary would move for them. He contended that the principles of right and wrong were to be considered in politics as well as in philosophy, and on these they must reason generally till a particular case was made out. It became those, who checked petitions for peace, to take care that no opportunity of negotiation should be let slip, merely on points of form. We ought to examine with jealousy into the subsidiary connection with Sweden. He agreed in the propriety of keeping the affair of the Chesapeake distinct from other points, and in the necessity of maintaining our essential rights; but we ought, at the same time, to guard against unnecessary irritation, and to beware of being led away by the name of vigour, so as to inflict a severe blow on our own commerce. The noble lord expressed his regret, that there should be so little in the speech respecting the temporary policy as to Denmark, and nothing at all as to the permanent policy intended to be pursued towards Ireland.

Mr. *Bathurst* admitted, that if it could be proved, that there were secret articles in the treaty of Tilsit hostile to this country, and his majesty had information of them, the justification of ministers would be complete. But it would be too much to take all this for granted on the bare assertion of ministers. It was singular, that while the arguments were suspended, we were called upon to come to an immediate conclusion. He contended, that all the danger that could arise from a communication of the particulars of the intelligence, had been incurred already. He was surprized that those who had examined whether Portugal could be defended against France, had not also inquired into the practicability of defending Zealand, and whether the Danes were able and disposed to defend themselves. He certainly thought that ministers were bound, in their justification, to shew a good cause, or produce some document or information which might lead the house to discover that there was good ground for the expedition to Copenhagen.

Mr. *Duckett* spoke in favour of the address. If the occupation of Alexandria was justifiable, so was that of Denmark. The only difference was, not in the principle, but in the issue. The expedition to Alexandria had proved injudicious and disastrous, and that to Copenhagen wise and successful.

Mr. *Windham* considered the Address, in that part which related to the Copenhagen expedition, without evidence to support the necessity of the measure, as one of the most outrageous proceedings that ever was attempted in parliament. Absolute necessity might justify any thing; but, as far as the evidence went, the effect of it was to shew, that no such necessity existed. There were two points of view in which this question was to be considered: first, the justice of it; and, secondly, supposing the thing to be just, the policy of it. It might be, that the proof of each was the same. By shewing the measure to be necessary, you would, at the same time, shew it to be just. But, the proofs required might be separate. There might be circumstances, which would, strictly speaking, give you a right to do what you have done, which yet would be very far from rendering such a step either prudent or advisable. Such, he was ready to maintain, was actually the case here. Whatever became of the question of right, on which he would agree to suspend his judgment till further information, he had no hesitation in pronouncing at the present moment, that the measure was wholly unwise and impolitic. He would suppose that the hon. gentlemen could make out a case of right; he would suppose further, what was a separate supposition, and still more remote from what he conceived to be the truth, that they could make out a *clear* case of right; that they could prove to a certainty, that if the fleet and stores had not been seized as they were, they would inevitably and speedily have fallen into the hands of Bonaparte: still, he should say, rather let him have them in the circumstances in which he must have taken them, than we in the circumstances in which we have taken them. This was his opinion, and this, he was persuaded, notwithstanding the flattering hopes indulged by the honourable seconder of the motion, would soon become the opinion of the greater part, if not of the whole, of the nation. They were now running riot,—those of them to whom the question of right and the effect on the national honour were objects of no concern—and were indulging in the contemplation of the plunder they had acquired; but this satisfaction would be of short duration; the time would soon come, when they would be called upon to pay the penalty of their misdeeds; when the stores would be used up, the ships be worn out or lost, and new stores and new ships have been supplied in their room to the arsenals and dock-yards of Denmark; and when they, the perpetrators of the acts in question, would be left only with the shame of what they had done, and the serious and lasting consequences, which that shame would bring along with it:

> "Then comes the reckoning, when the banquet's
> o'er,
> The dreadful reckoning, and men smile no more."

We had acted upon this occasion, from the impulse of a principle, often one of the most improvident and short-sighted, namely, that of fear; and had looked only to our temporary and partial, instead of to our general and permanent interest. Nothing could be more transitory than the advantages that we had gained; nothing more durable than the evils at the price of which these advantages had been purchased. The objects themselves were not less disproportionate. We had got ships, and we had lost men: we had gained a navy, but we had lost a nation. Never more were we to look to the Danes for any thing but the most deep-rooted ill-will, the most inflamed and bitter enmity. What was of still more consequence than even the friendship or enmity of any people, however powerful, we should have lost the fair fame and character of the country.—In all this we had been imitating that very conduct of the enemy, which, hitherto, it had been our constant and just object to expose and decry; our imitation, too, was just of a sort to give us a full share in the disgrace without any share in the benefit. We were increasing the power of Bonaparte instead of diminishing it. The course of proceeding in conducting the present business through the house was not less to be remarked on. We were to decide the question to night and argue the merits of it afterwards.—The right hon. gent. ridiculed the idea, that any credit was to be given to the present ministers for the step taken by the court of Portugal, when their own narrative stated the resolution to have been taken, and the purpose executed, in the absence of our minister, and without his knowledge. He should have thought that the right hon. gent. so prone to ridicule others, would have seen the ridicule that must redound upon himself, should he attempt to set up any such claim.

The *Chancellor of the Exchequer* denied that ever his majesty's ministers had said they were in possession of the secret articles of the Treaty of Tilsit. The expression imputed to them was in his majesty's Declaration, in answer to the Manifesto of Russia, in which it was stated that it was not unknown to his majesty, that secret articles had been agreed on in that Treaty, for either obliging this country to accept an ignominious and insecure peace, or forming a confederacy of all the naval powers of Europe against England, and more especially those of Denmark and Portugal. His majesty's ministers had a communication of the substance of those secret articles from the most unquestionable authority: and, assured as they were of the truth of that communication, they would have incurred the deepest criminality and disgrace, had they waited until an evil had actually occurred so perilous to our naval superiority and very existence itself. In his mind the best criterion of the authenticity of the communication, and the conduct of government thereupon, was, to advert to the antecedent conduct of the present ruler of France, in seducing or forcing every other power on the continent into a confederacy with him against this country; and when we then considered his means of attacking Denmark with a powerful army in Holstein, was it not probable that he would avail himself of his power of oppressing Denmark, and possess himself of her ships, which, though they were now in our hands, and might decay in 20 years, would not have decayed in his hands before the opening of the spring, when, in all probability, they would have been employed in carrying troops for the invasion of Ireland. But, there was another proof which had since occurred to support the veracity of the intelligence respecting the secret articles at Tilsit, on which the government had acted towards Copenhagen; namely, the attack on Portugal, and the march of a French army for the invasion of that country, and the seizure of its fortresses and its fleet. The latter, however, was happily preserved by the measures adopted by government, founded upon one and the same communication; and would any man venture to say, that if this communication had not been promptly acted upon, that both those fleets would not have been this day in the possession of France?

Mr. *Sheridan* rose and spoke as follows:—I never entered this house, sir, with so little expectation of having occasion to trespass on its attention as I did this day; and until I heard the speech of the right hon. gentleman who has just sat down, I never felt the least disposition to obtrude upon its notice. But, sir, I would now, while that speech is yet tingling in our ears, and fresh in our memories, call the observation of this house to the pitiful, pettyfogging, quibbling justification set up by his majesty's minister, upon a proceeding in which the character and the renown of this country are so materially involved. Have his majesty's ministers any knowledge of the facts upon which they pretend to justify the proceedings against Copenhagen? Have they any authentic documents to shew to the house for their vindication upon a transaction so outrageous and unprecedented? No, says the right hon. gentleman, we have not the contents of the secret articles at Tilsit, but we are in possession of the substance.

Sir, if they have the substance, why have they not produced it? If you produce the article itself, you might certainly endanger your informant; but, by giving in the substance, you expose him to no danger whatever. Sir, the right hon. gentleman has assumed, this day, a tone which ill becomes the cause he has to defend: he mocks our moderation; and he asks my right hon. friend, "why don't you move an amendment?" and he puts this, give me leave to say, rather in an insulting tone; and talks to my right hon. friend (Mr. G. Ponsonby) of what he calls "the commencement of his career in leading an opposition." Sir, the right hon. gentleman seems to have forgot the short time that he himself has been a leader of the administration he now directs, or that he is somewhat in his novitiate in a situation, his fitness for which may require the test of some probationary years. It don't become him, sir, to assume such a deportment towards my right hon. friend; but I hope my right hon. friend will take a lesson from his suggestion and propose an amendment, for which it is not yet too late, and the amendment I would suggest would be to leave out of the address the whole of the paragraph which relates to Denmark; as, after what I have heard this night, I have strong objections to go to a decision upon that part of the Address until I see fuller information before the house. I do declare, sir, that I entered the house this night with a strong disposition to support his majesty's ministers in the specific measure respecting Copenhagen, because I took for granted they were ready to lay before parliament the most irrefragable proofs of imperious necessity to justify the proceeding. But, sir, from what I have heard, my disposition is materially altered. I heard a young and eloquent member (the mover) in his speech this night, assert that the mind of the country was made up on the subject. I own my mind was made up to a certain degree, because I hoped ministers would not have suffered themselves to be so critically involved, if they could not prove the absolute necessity under which they felt themselves obliged to resort to this strong measure for the defence of their country; and therefore, sir, if they can prove that necessity, to justify the proceeding against Denmark, I shall be perfectly ready to give them on this occasion my most cordial support. But how is the house to say the measure was justifiable? We have it, indeed, from the sacred lips of his majesty, that he was in possession of the proofs of a secret understanding and collusion between Russia and Denmark to form a confederacy with France against this country. But have his majesty's ministers attempted to shew this by any proof, not even approaching to legal evidence? It was upon the reliance that they could adduce such proof that I was disposed to support them, because I really did not imagine, that without the most irrefragable proofs of the necessity, they would have proceeded to measures which otherwise must be considered a gross outrage upon every principle and feeling held sacred amongst mankind: for had such proofs really existed, I do not hesitate to say they would have been fully justified, in such a proceeding, to keep the fleet of Denmark out of the grasp of the French ruler. In such a case self preservation is paramount to all other considerations. 'Fiat justitia ruat cœlum,' sir, is a principle I admire as much as any man. But if I am to maintain this principle towards a power who refuses all adherence to it, and if I am, in that spirit, to look tamely on, while my enemy seizes from a defenceless power a fleet which I am satisfied he is determined to employ in direct hostility against me; I say that to adhere to the maxim on my part would be 'Fiat stultitia, ruat patriam.' I say, prove such an intention and I am satisfied. But what is the proof offered? His majesty's minister says, no! you shall have no proofs; I can give you none without betraying the confidence of my spy, and he will be exposed to suffer. But, sir, in such a case, is his majesty's minister to tell this house, "though the character of the country is staked upon this issue, I will give you no proofs—and you must take my word." Why, sir, is this a ground to justify this house in voting implicit approbation to a measure of such evidence? I think not: and I say that I for one will not now believe it; although I did not suppose it possible that his majesty's ministers would have ventured to prostitute the sacred authority of his majesty's name to cover an assumption which they could not adduce one tittle of evidence to substantiate. I do not want, sir, to annex any authority to the expressions of the French government on this occasion. But I find in his majesty's Declaration that he is informed there are Secret Articles in the Treaty of Tilsit for forming a confederacy in the North of Europe highly hostile to this country, and to which Denmark is a party. Now, who made the treaty of Tilsit with France? Not Denmark, but your late ally the emperor of Russia. Do you attack Russia? No! no! you pass by the principal, and you attack the supposed accessary: you bombard his capital, you send your bomboats and rockets to fire his city and massacre its inhabitants; you seize his fleets; you plunder his arsenals; and after you have compleated this outrage, which nothing but the most imperious necessity could justify, what do you then do? Why, you apply to the emperor of Russia, the principal in this hostile confederacy, only to mediate with Denmark (an accessary bullied and seduced by his influence) for a peace with you. Why did you not attack the principal? Why not proceed against Cronstadt, and seize the fleet and arsenal? Why did you not seize on the Russian fleet in the Mediterranean? Why suffer three Russian ships of the line to sail through your squadrons unmolested? How did you learn the contents of the Secret Treaty at Tilsit? Was the emperor of Russia your informant? For he only was privy to it, as one of the confederating parties; and yet it is this very emperor of Russia, and no body else, to whom you send an ambassador in order to coax him to an interference with Denmark for the restoration of peace with you, after the outrage you have precipitated upon that country. If your information was not true, your attack on Copenhagen can never be justified, and if the Treaty of Tilsit was the source and origin of this hostile confederacy, I assert that his majesty's ministers deserve impeachment for not having attacked the principal as well as the accessary.—I shall next advert to another point highly important to the character of this country, namely the necessity for the attack of our arms on Copenhagen, which I was informed his majesty's ministers would be fully able to justify, but for which they certainly as yet have offered nothing like justification. I have heard from authority to which I am disposed to attach strong credit, that the emperor of Russia had taken every pains to persuade the prince of Denmark to join the confederacy against this country, but that he peremptorily refused, and declared that nothing should induce him to violate his neutrality. I have heard a gentleman on whose veracity I can rely, say, that at the very time our expedition was proceeding against Copenhagen, the crown prince was in Holstein with thirty thousand Danish troops and forty thousand militia, ready to defend Holstein against Bonaparte; and determined to persevere to the last man, rather than be induced to violate his neutrality. Now, sir, it is said that if Buonaparte was in Holstein, he must next, as a thing of course, have taken possession of Zealand, but if I am rightly informed, nothing was so nearly an impossibility as that the French could have taken possession of Zealand, if the prince was determined to fight for its security, sustained by the assistance we might have afforded him. It is next said, that by the attack on Copenhagen we have gained an important advantage, in the possession of a Fleet, which must otherwise have fallen into the possession of the French. Why, sir, I am ready to excuse his maj.'s ministers most completely upon this subject, if they will prove to me that Denmark was unable to defend Holstein. I say they are bound to make out their case by some such proof, or they have no right to call on this house to sanction their conduct.—But it is asked, what have you got? and what have you lost? and it has been fairly stated in answer, that we have got the ships, but they have got the men; that we have got the Body, and our enemy the Soul, of the Danish navy. Yet for this, the honour of the country is tarnished, and the crime aggravated, by the refusal of ministers to lay any information before parliament to justify the outrage. But it is said, forsooth, that by this capture of the Danish Fleet, you have prevented the invasion of Ireland. By the way, this is the first notice, that, in the course of this discussion, his majesty's ministers have deigned to take of that country, which, from their professions at the close of the last session, I should have expected to find a prominent feature in the speech from the throne. But, instead of an act of the grossest outrage and injustice against Denmark, to prevent the danger you apprehend from an invasion of Ireland, and for which you are so much alarmed, why have you not taken the stronger and more obvious mode of securing to yourselves that country, by resorting to measures of conciliation and justice, rather than by an attack on the territory of a suspected foe. In God's name, if you would secure the British empire, if you would make peace with Buonaparte, first make peace with Ireland, by conciliating the affections of the Irish people, and you will then have a security for your defence infinitely superiour to what any of this sort can afford you. First protect and conciliate, and then you may firmly confide in the population of that country without any necessity for seizing on the fleets of your real or supposed enemies to guard her against invasion.—But, sir, beside the attainment of ships which we did not want, what are the other advantages we have reaped from this expedition? I understand they consist of hemp and timber taken from the Danish arsenals, adequate to one month's supply for the British navy; and for which, beside the expence and the odium of the capture, the country will still have to pay at the highest rate of valuation according to the market price of those commodities. But, sir, is this all?—No: for the country, I understand, has paid still a much dearer price; for in consequence of the avidity for conveying those prizes to British ports, so completely has our commercial marine in the Baltic been abandoned and exposed, that the enemy has actually captured more of those very stores from you than you have taken of him, and this on board of five or six and fifty British vessels in the Baltic trade, which have fallen into his hands since the departure of the British fleet from the Copenhagen expedition. Let us therefore, sir, put all the advantages we have obtained in the scale against the moral justice we have violated, and the dignity of character we have lost by this adventure, and ask, if it is such a proceeding as entitles his majesty's ministers, who planned the enterprize, to the approbation and thanks of this house. In the language of his majesty's ministers and their supporters, every hour teems with abuse of the present ruler of France, and every day brings forth some new accusation against Buonaparte, as an usurper, a tyrant, a murderer, a plunderer, and every thing atrocious and abominable; and I am sorry to observe, sir, this language echoed through the public prints of this country, the editors of which are sensible men, and would not, I am sure, persevere in such abuse, if they were not encouraged to it. It is, however, something to the character of that ruler, that towards the enemies who have left the power of doing him injury, he has acted with humanity. But British rulers have lost all character for humanity or national honour, by the attack upon a peaceable and defenceless nation, which had no power to injure or even resist them; and they have thus put it into the mouth of every Frenchman to retort upon them the charge of all those enormities with which we have accused France. The French ruler may say to his majesty's ministers, "you may talk about my having seized the duke D'Enghien on a neutral frontier and put him to death. But I answer, it was an act of violence necessary to my own defence, surrounded on all sides as I was, at home and abroad, by nations and partisans conspiring for my destruction. But you, who had nothing to fear from Denmark, a distant, peaceable, unoffensive, neutral nation; you have wantonly violated her neutrality; you have attacked her unawares; you have bombarded her capital, you have thrown bombs, shells, and rockets to set fire to the habitations of her peaceable citizens, and you have deluged their public streets with the blood of their murdered wives and children, whose mutilated bodies have been left unburied, on purpose to excite new rage, horror, and indignation against the British nation and name." There is this great difference between the situation of the heads of the government in the British and French nations: the ruler of France has been raised by his own efforts to the situation in which he is placed, and was surrounded on all sides by enemies confederated for the subversion of his government, and the destruction of his life. But will any man say the head of the British government feels any apprehensions of such atrocities; that our gracious monarch has any thing to fear from conspiracy, against the safety of his sacred person, or the security of his crown? The ruler of France may plead, in the jealousy, hatred, and assassinating spirit of his enemies, an excuse for his atrocities, which the rulers of this country cannot offer; our government has no charge to apprehend, our beloved monarch no lurking danger to fear. Another topic, sir, to which I have to advert, is that of the late petitions for peace, brought forward in a great manufacturing country. But, sir, I cannot, as some gentlemen have done, impute those petitions to a factious spirit, or to any wish of urging his majesty's ministers to a premature, humiliating, or dishonourable peace; but merely to impress them with a state of the distresses they sustained under the continuance of a war which has the effect of excluding their manufactures from all the markets in continental Europe. I know, sir, that brought in thereon after the 28th of March, and that no report of such bill should be received after the 16th of May.

[THE LORDS COMMISSIONERS' SPEECH.] Viscount Hamilton appeared at the bar, and presented the Report of the committee to whom the Address voted last night to his majesty was referred. Upon the motion that the said report be brought up,

Mr. *Macdonald* said, that he could not suffer that last stage of the address to pass without recording his dissent from its substance. He could not express approbation of the expedition to Copenhagen, because no grounds had been laid before the house to justify it. It had been said yesterday, that the eyes of Europe were upon the British parliament, and it would be unfortunate, therefore, if its first act, by coming to a blind decision upon this question, should be such as to disgrace it. There was not time, he contended, between the Treaty of Tilsit, and the sailing of admiral Gambier, for ministers to have received intelligence of the engagements entered into at that treaty. The armaments and stores collected at Copenhagen, therefore, were not provided in consequence of such engagements. Ministers ought to produce to the house the information upon which they had acted; for if they had received it from any of our ministers at the Northern courts, those gentlemen were now in safety. He regretted that his majesty's speech had not held out any prospect of peace; and he thought it inconsistent that ministers should adhere to forms which obstructed peace, whilst they rejected all forms in their attack upon a neutral nation.

Mr. *Fuller* said, he did not think it fair to attack ministers as to the expedition to Copenhagen. If the same conduct had been adopted towards the fleet of Spain, upon a former occasion, this country would not have had to fight the battle of Trafalgar, where the gallant Nelson had lost his life. He could not blame ministers for having taken the precaution which they had done, but, in his opinion, they had hardly done enough in not taking advantage of their knowledge of the Tilsit negotiations. Call him the Crown Prince, or the half-a-crown Prince, or what you would, it was certainly most absurd to say, that he and his confederates should be believed in every assertion they were pleased to make, and that not one word coming from our own government should be credited. He believed that the right hon. the chancellor of the exchequer was really a man of honour and integrity, and that no man could, with justice, venture to dispute it. He was certainly convinced, that what he had set forth was the real fact, and that if he were to give up his original source of information, some person or persons would be sacrificed. He gave him full credit for his conduct upon this occasion, and he should conclude by saying to him, as some gentlemen, on the opposite side, would never cease to urge objections against the measures of the existing government, 'never mind them, pursue your duty, and leave them where you find them.'

Mr. *Hibbert* wished, that the speech and the sentiments of ministers had breathed more the spirit of peace. He would neither despond nor encourage despondency; but we ought to look at the situation of the country. The doctrine of our independance on commerce was safe and good, so far as it shewed that we had, besides commerce, an object worth defending, and the means of defence; but dangerous and to be reprobated in that house, if it taught indifference concerning the sources whence experience proved us to have derived much of our wealth and naval power. But, even the converts to these new theories ought to look with satisfaction towards peace, inasmuch as it would enable us to transfer to our rivals whatever portion we pleased of the evil of our foreign commerce.—Was it doubted, whether British commerce was suffering? The industrious inhabitants of Yorkshire would in part answer the question. It had been observed, on very sufficient authority (Mr. Milnes), that their Petition did not originate in party spirit. Surely, it was on that account entitled to the more consideration by ministers; it was indeed the natural expression of the feelings of a laborious and loyal people, wrung from them by distress which they had endured long and patiently: shew them a sufficient cause and they will endure still more and longer. No such cause was explicitly pointed out to them in his majesty's speech. Let it be considered, too, that the war was assuming a new character of furious inveteracy, not experienced since the times of barbarism. Was it possible that any one in that house could regard with complacency the privations and the sacrifices which this new mode of warfare must inflict upon all classes of people, not in these kingdoms only, but throughout all Europe? and was it politic to subject this country, both at home and abroad, to the imputation of wantonly and unnecessarily prolonging this universal scourge? If we could not now clearly make out our case to be that of defensive war, must we not at last admit, that we continued the contest merely for the chance of events, that might enable us at some time or other, God knows how or when, to treat on terms of more advantage? But the chances of war should be coupled with its inevitable evils in our calculations, and it would be politic also to consider what might be the chances of peace. Did peace present no probabilities either at home or abroad which might better our situation and render us the fitter to cope with future difficulties? Might not peace loosen some of those bonds in which the states of Europe are now enslaved, and lay the foundation of new alliances against new encroachments? or, looking at home to our sister Island, might not even a few years of peace present to us the opportunity of allaying the discontents of Ireland, and of securing for us her faithful and hearty support in any new contest? a support which might render us fearless about the event.—Negotiation had been spoken of as a dangerous experiment, a situation to be shunned; and the last negotiation had been branded as disgraceful from its length. Whatever disgrace might result from a patient perseverance in the attempt to give peace to Europe, this country had at least retired from that negotiation with the highest reputation for strict honour and inviolable fidelity to engagements; a character, which, if it had been maintained, might have given us the best title to the confidence of foreign courts, and have fixed a value upon our alliance: advantages incalculable whenever the occasion may arise for resisting, under better auspices, the encroachments of France. It were well if this character had now remained to us; that we had persevered through every stage of this disastrous contest, taking for our maxim "Malo me fortunæ pœniteat quam Victoriæ pudeat," so that at the termination of the struggle, if we had neither extended our territories nor our influence in Europe, we might yet have boasted that we had not embraced the principles nor stooped to the means of our adversary. This boast, he feared, we now could not make; from all that yet appeared, from all that ministers would suffer the house to know, we had blemished the integrity of our cause by an act, which neither in its origin could plead that necessity which is paramount to justification, nor in its accomplishment displayed advantage or splendor sufficient to veil, however imperfectly, the depravity of its character. The hon. gent. protested against any approbation, to be implied from the terms of the address, by those on that side of the house, of the expedition against Copenhagen: he considered them as unfettered, whenever that and other questions connected with the address, should come under the distinct consideration of the house. On the subject of peace he earnestly besought ministers to reflect that an industrious people could only support a war so protracted and so arduous, under the hope of peace; a hope which must be extinguished, unless ministers should prove themselves disposed to peace, upon fair terms, and open to negotiation for the purpose of obtaining it.

Mr. *M. A. Taylor* should take another opportunity of stating his sentiments on the Danish Expedition, and should content himself declaring them in passing, that as an Englishman he felt disgraced by it. He had risen only to state what he knew of the proceedings in Yorkshire. He had been applied to by very respectable delegates from that county to become the chairman of their meeting, but had declined, and endeavoured to dissuade them from their purpose of petitioning for peace. He assured them, that such a proceeding would do no good, and might embarrass government in the negociation which he supposed was then carrying on. To his arguments they had replied, that they were starving, not only from the effects of the war, but of the late Orders in Council. He advised them, instead of petitioning against the war and the Orders in Council, to petition for the removal of the king's ministers. [Hear! Hear!] He repeated that he had given this advice, and he contended that there were men to be found in that house, who would conduct the affairs of the country with greater honour and more prospect of peace than the present ministers.

Mr. *Eden* rose merely for the purpose of asking for an explanation from ministers upon one point in the speech, which, according to his construction of it, appeared utterly irreconcileable with truth. They had been told, that as soon as the Treaty of Tilsit had been signed, his majesty had been apprized of the design of the enemy to employ the Danish fleet against this country, and the speech added, that it then became the duty of his majesty to place that fleet out of the reach of the enemy. The Treaty of Tilsit had been signed on the 7th of July, and it was not till the 8th of August that the intelligence of that event had reached this country. Admiral Gambier sailed from England on the 26th of July, and what he wished to be informed of was, whether ministers had received the intelligence of the Treaty of Tilsit in sufficient time to allow of the necessary delay in moving troops to the coast, providing transports, embarking, &c. previous to the sailing of the expedition; that he believed to be impossible: the speech from the throne was not to be discussed in that house alone, it would go forth to Europe, and be combated paragraph by paragraph, by men who would not want dexterity in examining its contents, and it was therefore the more necessary to correct the anachronism, and not send the speech forth with its own refutation. In philosophy, the cause preceded the effect, here the effect preceded the cause. He desired to know, therefore, whether ministers had information of the secret articles of the Treaty of Tilsit previous to the sailing of the expedition, or whether their information related to any engagements entered into previous to the signing of that treaty?

Mr. *Pym* observed, that it would have been proper, before ministers involved us in fresh wars, for them to consider, whether the cause of them was just. He might approve of their conduct as to the Copenhagen expedition completely, when further information was laid before the house, but, with only such facts as those that had hitherto been stated, he could not possibly acquiesce in that part of the address which implied a tacit acknowledgment of the propriety of their proceedings, and on that account he should wish, that that part of it should be left out. With regard to the question of peace or war, it had been said, that because we had a most triumphant navy, and were at war with all the continent, this was not the hour to make peace. For his part, however, he did really believe, that this was the very moment, above all others, when it was both our interest and our duty to try to procure it; it being recollected, that we had been no less than 15 years engaged in an arduous warfare. He was sure that the people of this country now ardently longed for it, and he believed, too, that the inhabitants of the continent were also completely tired of war. He was convinced that we might have had peace long ago, had effectual means been adopted to obtain that great and most desirable object.

Mr. *Yorke* had intended to say but a few words on the present occasion, but from the turn which the debate had taken, and the opinions which had been last night expressed concerning the negotiations at Tilsit, and particularly by his right hon. friend opposite, (Mr. Bathurst) opinions which he was surprised to hear from that quarter, he had felt it his duty to state his sentiments on this subject. His majesty's ministers had declared, that shortly after the negotiations took place at Tilsit, his majesty had been apprised of the intention of the enemy to turn the Danish and Portuguese fleets against this country, and that then it became the first duty of his majesty, as protector of his kingdom, to prevent those navies from being employed to aid the designs of the enemy. His majesty had told them, that he had been apprized of such intentions of the enemy; and what were they to do, but, as they approved of his measures, to assure his majesty, that they participated in his regret that hostility could not be avoided, whilst they congratulated him on the success with which that hostility had been attended? It had been said, that sufficient grounds had not been stated to justify the measure; but he would ask any man acquainted with public business, whether the nature of our government was not such, that the government could not proceed if it did not often act upon grounds which could not, consistently with the interests of the country, be made public? Upon this ground he would give his confidence to government, without regard to the persons of whom it might be composed. Upon the same grounds he would have given his confidence to the late government, though it was known, that he had not been in the habit of concurring in their measures, if they had made his maj. declare in his speech, that he had sufficient grounds for the measures they might adopt. Did not every man of common sense know, that measures of war were often taken, when no information could be divulged or was even received to justify them? The difficulty of procuring intelligence in the present instance, rendered it still more necessary not to expose those sources which yet remained to us. He was conscientiously of opinion, that more inconvenience had arisen to this country, from improvident grants of information, and from the government being so urgently pressed for the production of papers, than from any other cause. This he would assert without reference to any set of men: 'Nullius addictus jurare in verba magistri.' He was old enough to remember the American war, and he could state from opportunities which he had of personally knowing the fact, that in consequence of the production of the papers relative to the sailing of the Toulon fleet, on the motion of a gentleman of very high talents, now no more, (Mr. Fox) the French had been enabled to cut off a source of intelligence, which this country had possessed in Holland since the reign of queen Anne. Was there not enough on the face of such papers, to enable the enemy to trace the source whence they might have been received? He would give credit to government for having received the intelligence. On that fact he would rest his foot, and give his approbation to the measure. Admitting, then, the fact, that such arrangements were formed as had been stated, the next question was, whether we were justifiable in following them up with an attack upon Denmark; and this, he asserted, did not admit of doubt. He shrewdly suspected, that there had been a great deal of collusion for a considerable time, between the ministers of Denmark, for of the Crown Prince he wished to speak with the respect due to his rank, more especially as he was nearly allied to our own most gracious sovereign. But setting this presumption altogether aside, he contended, that the existence of so powerful a fleet in the hands of so weak a power was itself a sufficient justification of the measures of precaution which had been adopted. Deprecating the repetition of such discussions as they had heard, of the principles of abstract right, more worthy of schoolboys than of statesmen and legislators, and upon which the philosophers of the continent so much insisted, while at the same time they shewed themselves so insensible to the principles of wrong, he declared that, as an impartial man, sitting upon the great process of his country, he would bring in his verdict—not guilty. The circumstance of the Danish army being assembled in Holstein at the time the attack was made on Zealand, he thought might have been contrived in order to preserve appearances, and to disguise their future intentions, and he could very well account for the surprize of their government on seeing the island of Zealand surrounded so rapidly and unexpectedly with a naval and military armament, from the tardiness which they had been accustomed to witness in our former expeditions. At any rate, their avowed inability to defend themselves against the power of Russia some years ago, when on that very account they went to war with this country, was a satisfactory proof that they could not do it now against the combined powers of Russia and France; and it would hardly be maintained, that we ought to have sat quietly still and seen them marshalled among our enemies. It was not to be forgotten too, that a negociation preceded hostilities, and that they had the option of delivering up their fleet in deposit, or of going to war with this country. The great moral maxim of "Do as you would be done by" was equally applicable to nations and to individuals, and he had no hesitation in saying that, had he been a Dane, he would not have felt his honour compromised in acceding to the alternative offered by the British government.—Upon the other prominent topic in the speech, he declared it as his firm opinion, that there was no probability of obtaining from the present government of France, any terms of peace compatible with the honour and security of this country; of this he had been convinced ever since the Treaty of Amiens, which he had supported merely by way of experiment. But after the experience we had of the dispositions of the enemy, in the short interval of hostilities, he was persuaded, that on the day on which peace should be signed, our real dangers would commence. At the same time, he thought, that no opportunity ought to be omitted of negociation, were it merely for the purpose of informing the people, who knew but little of the political interests of the country, of what we were fighting for. He advised ministers, however, in any negociation, to take a high ground, and that of the most perfect equality. At present, he sincerely deprecated all petitioning on the part of the people, because it could do no good, and would only tend to embarrass government and embolden the enemy.

Mr. *Windham* expressed a wish, that he could agree with the right hon. gent. on all the topics of his speech, as much as he did on that with which he concluded. He deprecated as much as the right hon. gent. all petitions for peace, and for the same reason, because they could do no good, and might be productive of much mischief.

Peace no doubt was in itself desirable, and it was not to be supposed that any government could be insensible to the motives of those who were most desirous of it, even though they were expressed much less strongly than in the petitions that might come before the house. He was prepared, however, even to go farther than the right hon. gent. and to declare his opinion, that honour in any peace which should now be concluded, might be considered as totally out of the question. Safety now was all that we need look for, and this was all that he would ask :

> " Now give kind dullness, memory and rhyme,
> We'll put off genius till another time."

Could peace be made on terms that would put the country into any reasonable state of safety, he for one was willing " to put off honour till another time." He was sorry that on the other topics which the right hon. gent. had introduced into his speech, he was under the necessity of widely differing with him. He had laid down certain doctrines of generality which he was persuaded were very different indeed from the practice of the right hon. gentleman, and which, from the industry and eagerness with which they were diffused, formed, in his opinion, one of the most alarming features of the present times. It really seemed as if we had arrived at a new epoch of the world, and as if we were about to adopt a system directly the reverse of that which had been hitherto acted upon. The right hon. gent. appeared to treat anciently received principles with as little ceremony as any revolutionary French Committee had ever done, and to take leave of them with telling us, that all these old-fashioned doctrines are changed and exploded. He would still, however, venture to profess an attachment to the old maxim, of honesty being the best policy; a maxim which was just as true when applied to the conduct of nations as of individuals. Nor did he think it sufficient merely to profess it; it was equally essential to act upon it. But an open and public renunciation of this principle was an alarming symptom indeed, and infinitely more fatal to the cause of public morals than many practical deviations from it. It was a state of most hopeless depravity, when people began to adapt their theory to their practice. He advised ministers to stop short in this new career; for he assured them, that they could cut but a poor figure when compared with the enemy, who, from long practice, had acquired such a proficiency as to make it in vain for us to attempt now to contend with him. Whatever hopes the hon. gentlemen might entertain of themselves in that respect, he was afraid they would find the country very unhandy and indocile, and too stiff in its old habits of honesty and fair dealing to follow them with any advantage. We were past the age of learning. It was much better for us to stick to our old principles, and to resolve that if it was our fate to die, we should at least die with honour. With respect to the refusal on the part of ministers of declaring the grounds on which they formed their opinion, it had never been disputed that government might receive information, which it would be in the highest degree improper for them to publish. But then a question arose, whether in such cases they ought or ought not to act upon their information? This in some cases might be decided in the affirmative, and in others not. He suspected, however, that in the case in question, instead of preparing troops for an expedition, they had prepared the expedition for the troops. Finding that they had got money in their pockets, they resolved on spending it. They did not know what to do with the army which they had collected, and after some reflection, they said, " God bless us, let us go and attack the Danish fleet." He did not, however, mean now to enter into a discussion of the merits of the question, and his only object in rising was to reprobate the new system of morality which was so assiduously propagated, and which, if propagated with success, would prove a lasting injury to the world.

Mr. *Matthew Montague* vindicated the conduct of Ministers in withholding the information of which they professed to be in possession, upon the constitutional provision, which, by granting to the king the prerogative of declaring war, necessarily declared him the sole judge of the grounds on which he ought to go to war.

Mr. *Wm. Smith*, after touching lightly on the Copenhagen business, commended the conduct of the noble lord who was member for Yorkshire, in discountenancing petitions for peace. He would have acted in the same manner if a petition had been proposed in the city he had the honour to represent, though the interests of the inhabitants of that city suffered as much as the interests of any other part of the community, by the continuance of the war. This he would do, in the confidence that his majesty's ministers would omit no opportunity of restoring peace. If he should find that any fair opportunity was neglected, then he would encourage the petitions, with a view to compel ministers to negociate.

Mr. Secretary ***Canning***, in answer to a question put by an hon. gent. over the way (Mr. Eden) admitted, that though lord Gambier had sailed from the Downs on the 26th of July, ministers had not received the intelligence of the signing of the Treaty of Tilsit before the 8th of Aug. following. Ministers had not said that they had in their possession any one secret article of the Treaty of Tilsit, but that the substance of such secret articles had been confidentially communicated to his majesty's government, and that such communication had been made a long time previous to the date alluded to by the hon. gent.: as to the inference attempted to be drawn from the advanced state of preparation in which the armament was placed prior to the Treaty of Tilsit, it was notorious, that that armament was then equipping for an entirely distinct object, till the secret intelligence had been received, which made it the duty of ministers to employ that armament in the service in which it had been so successfully engaged.

Mr. ***Whitbread*** was sure that the words of the Declaration against Russia went to rest the justification of the expedition to Copenhagen on the secret articles of the Treaty of Tilsit, though his hon. friend had clearly made out a gross anachronism in attributing the expedition, that set out on the 26th of July, to the effect of a treaty that was not known in this country till the 8th day of the subsequent month. But the right hon. secretary had now confessed that ministers had not in their possession the secret articles, but that they had the substance of those articles. Here he would ask one question, why not state that substance to the house and to the country? for the argument under which ministers tried last night to entrench themselves, namely, that the very fact of communication would disclose the source of it, could not at all apply now; for there was no necessity to give this substance to the house with any reference whatever to the source from whence they had derived it; they could easily state that substance generally, without any mark of designation. A right hon. gent. (Mr. Yorke), had thrown out a doctrine on the topic of public and national morality, from which he entirely dissented, and he was sure, that had that right hon. gent. been a Dane, he would have shed the last drop of his blood sooner than have surrendered the fag end of a cotton rope to England, required in the manner in which the late demand had been made to Denmark. As to peace, he wished that petitions would crowd from all parts of the empire, and multiply upon the table, unless ministers would satisfy the country of their willingness to enter into a negociation on secure and honourable terms; which he believed were to be had now as readily as at any other period of the war. But there was one thing had fallen from the right hon. gent. to which he must advert: with regard to the tender, the option, as it was called, that was made to the Danes—that if they gave us their fleet, we would defend them from the French; how! *we* defend them; who were not able, after seizing their fleet, to keep possession of Zealand for one winter! The Danes must now see, that had they been mean enough to have acceded to our proposals, we could not have fulfilled our stipulations, and that, therefore, we were determined either to rob or to defraud them. He did think that ministers were bound, as they regarded their own honour, but much more as they regarded the honour of the country, till their time unstained, to give to parliament and to the world, the fullest and the most complete information as to the pretended mystery that led to an attack on a neutral and independent people, unprovoked (apparently at least), and certainly unprecedented in the annals of this country. The right hon. gent. had deprecated this call for papers and information, and thought it injurious to the public service. He could only say, that he believed the great cause of many of the evils with which this country had been afflicted, was owing to the system that had prevailed too generally for the last 15 years, of holding back from the public the papers and documents which had been, upon almost every important occasion, vainly moved for in that house. He should conclude with repeating his conviction, that ministers had never received, either in substance or in form, the secret information which they alleged they had received, and to which they had attributed that fatal and disgraceful expedition.—The Address was then read and agreed to, and ordered to be presented to his majesty by such members as are of the privy council.

HOUSE OF COMMONS.

Monday, January 25.

[MINUTES.] Lord Stopford reported to the house, that his majesty, having been attended with their Address of Friday last, was pleased to receive the same very graciously, and to give the following Answer: "Gentlemen; I return you my most cordial thanks for this dutiful Address. The just sense you entertain of the measures which the extraordinary and critical state of affairs compelled me to adopt for averting from my kingdom the great and additional dangers with which it was threatened, gives me great satisfaction, and is a fresh proof of your loyal determination to support the honour of my crown, and the rights and essential interests of my people."—The following Election Petitions were presented, and ordered to be taken into consideration on the days respectively annexed: Great Grimsby, Thursday, Feb. 23; Downpatrick, Feb. 25; Newcastle under Line, March 1; Great Yarmouth, March 1; Grampound, March 3; Stirling, March 24; Wexford, two petitions, March 8; New Malton, March 8; Malmsbury, March 10.—Mr. Sheridan gave notice, that he should on Monday se'nnight move for a committee to inquire into the State of Ireland. He said, he did not bring on this measure with any party views or party feelings, nor with any intention whatever to embarrass his majesty's ministers: neither was it his object, that the committee should take into their consideration any thing respecting the grievances suffered by the people of Ireland on account of religious distinctions, or, in other words, the Catholic Claims, as he understood that question was in other hands. The propositions he had to bring forward he, therefore, hoped would meet the unanimous concurrence of that house. If however, in consequence of the absence of several members belonging to that part of the united kingdom, who might wish to declare their sentiments upon the subject, it might be thought adviseable to postpone his notice, he should have no objection to do so.—Mr. Horner rose to postpone his motion respecting the granting of Licences to persons engaged in foreign trade, until Thursday. Mr. Rose begged to ask the object of the hon. gent.'s motion. Mr. Horner replied, that his object was to ascertain to what extent the practice of granting Licences by the privy council to persons engaged in foreign trade had been carried. He understood, that in granting such licences to some particular individuals, and refusing them to others, much abuse had arisen, contrary to the true meaning and intent of the legislature; he thought, therefore, that information upon this subject would be necessary and proper at any time to be laid before the house, but more particularly at a period when such an extensive system of blockade had been adopted, and so many Orders of Council issued upon this subject.

[OFFICES IN REVERSION BILL.] Mr. *Bankes* having previously moved, "That the entry in the Journal of the house of the 10th of August, in the last session of parliament, of the Address agreed to by this house to be presented to his majesty, requesting that his majesty would be graciously pleased not to grant any Office, Place, Employment, or Salary, in any part of his majesty's dominions, in reversion, or for joint lives, with benefit of survivorship, until six weeks after the commencement of the present session of parliament," might be read, proceeded to move for leave to bring in a Bill, to prevent the granting of Offices in Reversion. He said, that towards the close of the last session, he had had the honour of proposing to the house a measure of this nature, which then received the unanimous sanction of the whole house; and it was therefore unnecessary for him to take up their time in making observations upon the necessity of such a measure, as he was confident the house had no reason to depart from that resolution; and he trusted, that no obstacles would be thrown in the way of that which, in the strictest sense, was the bill of that house. Unless some unanswerable reasons could be brought forward, he hoped the house would maintain the work of their own hands. It might have been sufficient for him to put the house in possession of the subject, merely recommending it to them to persevere in what they had already considered a useful measure; but lest there should be any suspicion that it was intended by this measure to encroach upon the prerogative of the crown, he wished to show that it did not in any manner trench upon that prerogative. What was sought, was not to restrain the power of the crown in the appointment of persons to lucrative offices, but merely to suspend such appointment till a vacancy should occur, in order that an opportunity might be given of appointing the fittest person, as it was a well known fact, that by granting offices in reversion, persons had been appointed wholly unfit for such situations. On these grounds, he thought this a fit bill to pass at any time, but more particularly under the present circumstances of the country. It was well known that a committee of enquiry into certain measures of economy had been going on during the two last sessions of parliament, and was still continuing, by whom many offices of emolument, but with no duty to perform, might be entirely suppressed; but the existence of offices in reversion would, in some cases, have the effect of putting off, to a great length of time, the execution of any recommendation proceeding from that committee. This, which had formerly been urged as an objection against the present measure, was, with them, a ground on which he might chiefly rely in urging its expediency. He did not conceive, however, that there could be any occasion to trouble the house further upon a motion which formerly passed with its unanimous concurrence. He should only express his hope for the same degree of unanimity in regard to the bill he should now propose, and would conclude with moving, "That leave be given to bring in a bill to prohibit the granting of Offices in Reversion, or for joint lives, with benefit of survivorship."

Mr. *W. Dundas* felt himself called upon to state his distinct opposition to the measure proposed. It was not the custom of parliament to pass in a subsequent session what it had agreed to as a matter of course in a preceding session. The discretion of every member remained open to correct itself on reflection. Much less was it to be regarded as a matter of course that the house was bound to agree in every respect, and to coincide in every recommendation of the committees it appointed. Every thing was to be considered and reconsidered as often as it came before the house, upon the fair view of the arguments that should appear for and against it. He opposed the present measure on the broad ground of its invading the inherent prerogative of the crown, not merely by suspending, but by taking away and destroying its right of granting certain offices according to established usage. He did not think there was much solidity in the argument, that grants in reversion were liable to be exercised in favour of improper persons. The advisers of the crown were always responsible for any impropriety of this kind, whether the grant was direct or reversionary. The line he took on this occasion might not be popular, but he would do his duty. When the abolition and reformation of offices, and the limitation of the prerogative of the crown with respect to them, were talked of, he could not help recollecting the instance of a distinguished character in that house, he meant the late Mr. Burke, who had been most active in the early part of his political career in reforming and abolishing offices, and in limiting the prerogative of the crown, and who lived to lament and condemn all those reforms, abolitions, and limitations. He again insisted on the power of the house over the acts of its committees, and recommended the preservation of the prerogative of the crown, which was the foundation of the privileges of the house itself.

Mr. *Whitbread* could not suffer the observations of the right hon. gent. who had just spoken, to pass without animadverting upon them. The single reason which the right hon. gent. had advanced for his opposition to this measure was, that it encroached upon the prerogative of the crown; but he considered it one of the peculiar privileges of that house to watch over the prerogative of the crown, and to curb and moderate it, where it appeared to overreach that power which was vested in it; but the right hon. gent. was certainly right in voting against this bill, for if he was not very much mistaken, that right hon. gent. was himself in possession of an office granted to him in reversion. It was the peculiar duty of that house, by the address which was voted in the last session of parliament, to take this measure into their most serious consideration. The proposed measure did not go to take away from the crown the power of appointing persons to offices of emolument, but merely to suspend the power of appointment to places which had been improperly exercised. In many instances, appointments were granted to persons while they were mere infants, and wholly incapable of executing the functions of them. This, then, was certainly an improper use of the prerogative. He believed the right hon. chancellor of the exchequer himself was an instance of this, having been appointed to a lucrative office while a minor; nay, even while he was an infant. The same place was now held in reversion by the right hon. gent.'s brother, a member of the upper house (lord Arden); and that grant was certainly made when it could not have been foreseen that the right hon. gent. would turn out to be a person of such transcendent talents and abilities, capable of holding the high and important situation which he now filled. The office he alluded to, however, did not certainly require such transcendent talents and abilities as the right hon. gent. possessed; for he believed it required little more abilities than were sufficient for counting the money arising from its emoluments into his own pocket. He confessed he thought any opposition to this bill was derogatory to the principles and opinions entertained by that house upon the subject; and he trusted the house would uphold its own honour and character, by again sending the bill up to the house of lords.

Sir *John Newport* thought it his duty to state a particular instance in which the reform of an office recommended by the committee of inquiry, in Ireland, could not be carried into effect, in consequence of its being granted in reversion. The office he alluded to was that of customer of the port of Dublin. It had been granted in reversion three deep. Two of the three had died while the reform was in agitation; but the right of the third barred the reform.

Mr. *Horner* rose for the purpose of repelling the aspersions which had been thrown upon the memory of one of the proudest ornaments of this or any other country, by the inconsiderate observations of the right hon. gent. The hon. gent. denied that the latter part of Mr. Burke's life went in any way to invalidate or contradict the sincerity of his earlier efforts. Those who were honoured with that great man's friendship, or those who were acquainted with his very last work, knew that he took honour and credit to himself for having pursued such measures as tended to every species of economical reform; they knew that, to the latest hour of his splendid career, he was as zealous and as sincere an enemy to rapine and public malversation as he was in the most vigorous period of his memorable life.—He thought this measure the more valuable, not because it bore upon the prerogative of the crown, but because it was a measure of reform; and that perhaps, was the very reason of the right hon. gent.'s opposition to it.—The bill was to be respected, because it came from a committee appointed by the house to consider the means of reducing the public expenditure, and because it was the first step recommended by the committee for the attainment of that object; and, whether it should be deemed expedient as an ulterior measure to purchase the interests of the present reversioners, or to await the expiration of their terms, it was equally unfit that further grants in reversion should be made.—The question being put, leave was given to bring in the bill, with the single dissenting voice of Mr. W. Dundas. Mr. Bankes afterwards brought in the bill, which was read a first time.

HOUSE OF COMMONS.

Tuesday, January 26.

[MINUTES.] Petitions, complaining of undue returns, were presented from the following places, and ordered to be taken into consideration on the days annexed: Poole, Feb. 2; Maldon, March 15; Beverley, March 15.

[PAPERS RELATING TO THE NEGOTIATION WITH AUSTRIA AND RUSSIA.] Mr. Secretary *Canning* presented to the house, by his majesty's command, the Papers relative to the Negotiation with Austria and Russia, of which the following are copies:

PAPERS
RELATIVE TO THE NEGOTIATION WITH AUSTRIA AND RUSSIA; PRESENTED, BY HIS MAJESTY'S COMMAND, TO BOTH HOUSES OF PARLIAMENT, JAN. 26, 1808.

PAPERS RELATIVE TO AUSTRIA.

No I.—Note from the Count de Starhemberg to Mr. Secretary Canning, dated London, April 18, 1807.

His majesty the emperor of Austria, king of Hungary and Bohemia, having resolved upon offering to the principal powers interested in the present war, his amicable mediation, in order by his intervention to bring on a negotiation for peace, the count de Starhemberg, envoy extraordinary and minister plenipotentiary, has received orders to transmit to the ministry of his Britannick majesty, the accompanying Note, containing the offer of mediation which his imperial and royal majesty has caused to be presented in the same manner, and at the same time, to the cabinets of Petersburgh and of the Thuilleries, as well as to that of Berlin. In acquitting himself of this commission, the undersigned requests his excellency Mr. Canning will have the goodness to lay this offer of mediation of his imperial majesty before the king of England, and he ventures to hope that his excellency will not refuse to inform him as soon as possible of the resolutions taken by his Britannic majesty on this subject.—The count de Starhemberg embraces this opportunity to renew to his excellency the assurance of his high consideration.

(Note referred to in Number 1.)

The emperor Francis II. could not behold, without the deepest concern, the rupture which took place last autumn, between his majesty the emperor of the French, king of Italy, and his majesty the king of Prussia; and he was shortly afterwards still more painfully affected, by the extension of hostilities over a considerable part of Europe. If by observing a strict and scrupulous impartiality from the very commencement of the war, his imperial and royal apostolic majesty has had the satisfaction to maintain his system of neutrality in circumstances so critical, and to preserve his people from the ravages of war, he did not enter the less fully into the miseries which were multiplied around his states; and in his just solicitude for the tranquillity and the security of his monarchy, he could not but be sensible to the continually renewed alarms upon his frontiers, or to the fatal effects which they inevitably produced in various branches of his interior administration. The emperor, uniformly animated with the same dispositions, has had no other view from the commencement, and during the course of hostilities, than to endeavour to bring about a reconciliation, and to avail himself of every proper opportunity to put an end to the calamities of war. He judged he could not better effect this desirable result than by constantly impressing the belligerent powers with his sentiments of moderation and of conciliation, and in giving his whole attention towards producing in them a similar disposition. The reception which his first overtures to this effect have obtained, appears to announce that the moment of so desirable a reconciliation is not far distant. In the confidence inspired by so consolatory a prospect, the general welfare and the interest of his own dominions call upon his imperial majesty to offer to the belligerent powers his friendly intervention; and in consequence of this, he does not hesitate to make to his Britannick majesty, the offer of his mediation, and of his good offices.—But, in considering how very complicated and extensive the present war is become, the emperor would think that he had but imperfectly expressed his fervent desire for peace, and the hope of its compleat and speedy re-establishment, if he did not at the same time state the entire conviction he feels, that it is only by the united endeavours of the powers principally concerned in the war, and by a negotiation in common, which should embrace the whole of their reciprocal interests, that permanent tranquillity and a secure and solid peace can be attained, a peace which should secure the future political relations of Europe.—His imperial majesty, from that firm persuasion (which the frankness of his sentiments will not permit him to dissemble) conceives that this pacific overture should be made by him in common to those cabinets which are, in the first instance, to take a part in the conferences; and it is therefore with earnestness that he equally invites the cabinets of Petersburgh, of Berlin, and of the Thuilleries, to adopt the same conciliatory views, and to enter into negotiations for a peace, in which the essential relations of all the parties interested should, as far as is practicable, be combined.—The emperor has thus generally testified his wish for peace. He will not take upon himself to suggest the particular mode of negotiation, and still less to anticipate, the intentions of other powers, or to decide upon those measures which it may be thought necessary previously to settle, in order to determine the principles of the preliminary overtures between the belligerent powers.—Nevertheless, in the hope that this friendly offer of his interposition will be appreciated in such a manner as the rectitude of his intentions authorises him to expect, his imperial majesty is eager to propose (in order that the opening of negotiations may be facilitated by his good offices) any place in his dominions, the situation and locality of which might be reciprocally convenient, and which, from this consideration, ought not to be too near the theatre of war; and, in this respect, as in every other point, the emperor will feel pleasure in contributing to accelerate the period of so desirable a meeting.

LOUIS COUNT DE STARHEMBERG.

No. II.—Note from Mr. Secretary Canning to the count de Starhemberg, dated April 25, 1807.

The undersigned, his majesty's principal secretary of state for foreign affairs, has laid before the king his master, the note delivered to him by the count de Starhemberg, envoy extraordinary, and minister plenipotentiary of his imperial majesty the emperor of Austria, king of Hungary and Bohemia, in which his imperial majesty offers himself as the mediator of a general peace.—The undersigned has received the orders of the king, to transmit to the count de Starhemberg, the inclosed official answer to the note of his imperial majesty. Rendering the fullest justice to the motives which have actuated his imperial majesty, in the proposal of such a mode of negotiation, as can alone, by embracing the interests of all parties, conduce to the establishment of a solid peace, and to the permanent tranquillity of Europe, the king accepts, so far as his majesty is concerned, the offer of his imperial majesty's mediation, subject only to the condition of a like acceptance of it on the part of all the other powers who are engaged in the present war.—In executing this duty, the undersigned is happy to seize the opportunity of renewing to the count de Starhemberg the assurance of his high consideration. GEORGE CANNING.

(Official Note, referred to in No. 2.)

His majesty the king of the united kingdom of Great Britain and Ireland, has received, with a just sense of the consideration which is due to every communication from his imperial majesty the emperor of Austria, king of Hungary and Bohemia, and of the motives by which, on this occasion, his imperial majesty has been actuated, the offer of his imperial majesty to become the mediator of a general peace.—The king, who has never ceased to consider a secure and durable peace as the only object of the war, in which his majesty is engaged, and who has never refused to listen to any suggestions which appeared likely to conduce to the attainment of that object, cannot hesitate to declare his entire concurrence in the opinion expressed by the emperor and king, that a peace of such a description is only to be attained through negotiations which shall be common to all the powers principally engaged in the war.—To such negotiations, whenever the consent of the other powers interested in them shall be obtained, the king will willingly accede; and his majesty will lose no time in communicating with such of those powers as are connected with him by the bonds of amity and confidential intercourse, for the purpose of ascertaining their views; and if those views shall be favourable to his imperial majesty's proposal, of concerting with them the mode in which such negotiations should be opened, and of agreeing upon the principles which (according to the suggestion of his imperial majesty) it might be expedient previously to establish as the basis and foundation of a general discussion and arrangement.—With respect to the place which should be selected as the seat of the negotiations; his majesty would not object to any place which, in addition to the indispensable qualification, proposed in the note of his imperial majesty, of being sufficiently remote from the immediate influence of the events of the war, should have that of affording to his majesty, in an equal degree with all the other powers concerned, the opportunity of a prompt and uninterrupted communication with the plenipotentiaries who should be appointed to represent his majesty at the congress. GEORGE CANNING.
Foreign Office, April 25, 1807.

No. III.—Note from the prince de Starhemberg to Mr. Secretary Canning, dated Nov. 20, 1807.

The undersigned has the honour to inform his excellency Mr. Canning, secretary of state for the department of foreign affairs, that he has received positive orders from his court, to make to the British ministry the most earnest representations on the importance of putting an end to the struggle which still exists between England and France; and the effects of which may produce to the rest of Europe the most fatal consequences. His majesty the emperor and king, animated by a constant desire to effect the restoration of repose and tranquillity, does not hesitate to request officially and earnestly his Britannick majesty to declare his intentions on this point in evincing to him his disposition to enter into a negotiation for a maritime peace upon a basis suitable to the reciprocal interests of the powers who may take a part in it.—The cabinet of St. James's has explained itself too often respecting its desire for the re-establishment of peace, for the undersigned not to flatter himself that he shall now obtain the formal assurance wished for by his court, which will completely prove to all the nations of Europe, the sincerity of the pacifick views of England.—The undersigned, &c. LOUIS PRINCE DE STARHEMBERG.

No. IV.—Note from Mr. Secretary Canning to the prince de Starhemberg, dated Nov. 23, 1807.

The undersigned, his majesty's principal secretary of state for foreign affairs, has laid before the king his master the official note presented by the prince de Starhemberg, envoy extraordinary and minister plenipotentiary of his imperial majesty the emperor of Austria, in which the prince de Starhemberg expresses, by order of his court, the earnest desire of his imperial majesty for the termination of the present contest between Great Britain and France, and requires a sincere and formal declaration of his majesty's sentiments upon that subject.—His majesty having repeatedly and recently declared his disposition and desire to enter into negotiation for a peace on secure and honourable terms, and this declaration having been made in the most regular and authentic manner to the Austrian government, in the answer which the undersigned was commanded to return to the official offer by the prince de Starhemberg (in the month of April last) of his imperial majesty's mediation; and in that which his majesty has since directed to be returned to a similar offer on the part of the emperor of Russia, and which has been communicated to the court of Vienna; his majesty cannot receive without surprize an application for a renewal of the declaration of sentiments of which the court of Vienna has been so long and so formally in possession.—His majesty will not believe that any farther declaration can be necessary for the purpose of proving to the nations of Europe a sincerity which the nations of Europe cannot question. But in compliance with the wishes of a friendly power expressed with so much earnestness and anxiety, his majesty is nevertheless willing to repeat once more the assurance, already so often repeated, that his majesty is now, as he has at all times been, prepared to enter into negotiation for the conclusion of such a peace as shall settle on equal terms the respective interests of the powers engaged in the war, as shall be consistent with his majesty's fidelity to his allies, and shall provide for the tranquillity and security of Europe. The undersigned, &c. GEORGE CANNING.

No. V.—Note from the prince de Starhemberg to Mr. Secretary Canning, dated Jan. 1, 1808.

The undersigned, obeying the orders of his court, in conforming to the desire of that of the Thuilleries, has the honour to inform his excellency the secretary of state for the foreign department, that, in consequence of the pacifick dispositions of his Britannick majesty, announced in the answer returned on the 23d of November last, to his official note of the 20th of the same month, he is charged to propose to the English ministry to send immediately plenipotentiaries to Paris for the purpose of treating for the establishment of peace between all the powers at present at war with England. This explicit and frank invitation must furnish a proof of the good faith and of the sincere intention of France to put an end to the calamities of war; and his imperial majesty consents with eagerness to be the intermediary of a result so desireable. It is hoped, that the court of London will not hesitate to recognize on this occasion the importance of the proposal which is made to it, and that it will be disposed to give a fresh proof of that desire which it has so often expressed, to restore repose to the rest of Europe, by naming negotiators to be entrusted with the important interests to be discussed.—To avoid every species of delay, the undersigned is authorized by France to give passports to the ministers whom the cabinet of St. James's may appoint for this purpose. The mode in which these overtures are submitted to the court of London, and the measures which are taken towards realizing the execution of them with the least possible delay, will effectually demonstrate the spirit of conciliation by which they are dictated. The undersigned, &c.

LOUIS PRINCE DE STARHEMBERG.

No. VI.—Note from Mr. Secretary Canning to the prince de Starhemberg, dated Jan. 8, 1808.

The undersigned, his majesty's principal secretary of state for foreign affairs, has laid before the king his master, the note delivered to him the second of this month by the prince de Starhemberg, envoy extraordinary and minister plenipotentiary of his majesty the emperor of Austria.—In stating himself to be charged to propose to the British government the immediate sending of plenipotentiaries to Paris, the prince de Starhemberg has omitted to explain from whom he has received that commission, whether from his imperial master or from the government of France.—If the prince de Starhemberg has, in this instance, acted under the specific and immediate orders of his court, and if the proposal to his majesty to send plenipotentiaries to Paris is to be considered as originating at Vienna, the undersigned is commanded to express his majesty's concern that so little reference should appear to have been had, in framing the proposal now offered for his majesty's consideration, to the correspondence which has already taken place between the courts of London and Vienna, upon the subject of a negotiation for peace.—After so long an interval has been suffered to elapse since the acceptance by his majesty, in April last, of the offer of his imperial majesty's mediation, his majesty could hardly have expected that the same offer should now be repeated (if indeed the prince de Starhemberg's note is to be construed as a repetition of it) without any notification of the acceptance of those conditions which were at that time stated by his majesty to be indispensable preliminaries to the opening of a negotiation. And while the note of the undersigned of the 23d of November last is cited by the prince de Starhemberg as the foundation of the present proposal, his majesty observes with surprize, that this proposal nevertheless extends only to the powers combined with France in the war against Great Britain, and not to the allies of Great Britain in the war with France.—If, on the other hand, the court of Vienna is no otherwise concerned in the step which the prince de Starhemberg has taken, than as having generally authorized that minister to receive and to convey to the British government whatever communications the government of France might think fit to intrust to him, the undersigned is commanded, in that case, to remark to the prince de Starhemberg, that although the character which the prince de Starhemberg holds from the court of Vienna, and the formalities by which he is accredited to his majesty, entitle him to immediate and implicit confidence in every exercise of his diplomatic functions, in the name and on the behalf of his imperial master; yet that when he professes to speak in the name of another power, the statement of some precise authority, and the production of some specifick and authenticated document, could alone justify the court to which he addresses himself, in founding a publick and important measure upon such a communication. From the tenour of the prince de Starhemberg's note it appears, that the note of the undersigned of the 23d of November has been communicated to the government of France.—The government of France is therefore in possession of a solemn and authentick pledge of the pacifick dispositions of his majesty. It follows that a pledge equally solemn and authentick of the reciprocal dispositions of France, is reasonably to be expected by his majesty, before his majesty can be called upon to make any further advance.—The proposal to his majesty to send negotiators to Paris, unaccompanied as it is with any ostensible and unequivocal return on the part of France for the declarations already made in his majesty's name, is so far from being a proof of any such reciprocal disposition, that it can be construed no otherwise by his majesty than as implying an unjustifiable doubt of the sincerity of his majesty's professions.—Nor is the want of such formal authority and of such reciprocal assurance, the only, or the most material defect in the prince de Starhemberg's communication.—His majesty is called upon to send plenipotentiaries to Paris to negotiate for peace, without the slightest intimation being given to his majesty of the basis on which it is proposed that such negotiation should be founded.—If it could ever have been matter of doubt whether the previous settlement of a basis of negotiation were necessary to the hope of its successful termination, the experience of the last negotiation with France would have placed that question beyond controversy.—The experience of the last negotiation has further demonstrated the disadvantage and inconveniency of a negotiation conducted at Paris.—His majesty is willing to treat with France: but he will treat only on a footing of perfect equality. He is ready to treat with the allies of France: but the negotiation must equally embrace the interests of the allies of Great Britain.—As soon as the basis of negotiation shall have been satisfactorily ascertained, and an unexceptionable place of negotiation agreed upon, his majesty will be prepared to name plenipotentiaries to meet those of the other powers engaged in the war: but his majesty will not again consent to send his plenipotentiaries to a hostile capital.—But while his majesty has permitted the undersigned to address this frank and unequivocal exposition of his majesty's sentiments to the minister of the emperor of Austria, the undersigned is at the same time charged to state distinctly to the prince de Starhemberg, that not having received any authentic proof of the prince de Starhemberg's commission to enter into any explanations in the name of the French government, or to afford any assurance by which that government could be bound, his majesty has not directed the undersigned to give any authority to the prince de Starhemberg to speak in the name of his majesty to the government of France. The undersigned has the honour to request the prince de Starhemberg to accept, &c. GEORGE CANNING.

No. VII.—Note from the prince de Starhemberg to Mr. Secretary Canning, dated London, Jan. 12, 1808, Received the 13th.

The undersigned has the honour to inform his excellency the secretary of state for the foreign department, that in consequence of orders from his court, the present circumstances oblige him to demand passports for himself and all the individuals of the Austrian mission at London. The undersigned purposes to make use of them as soon as he shall have received from the French government the passports which he demanded by the messenger whom he dispatched yesterday. The undersigned, &c. LOUIS PRINCE DE STARHEMBERG.

No. VIII.—Letter from Mr. Secretary Canning to the prince de Starhemberg, dated Jan. 13, 1808.

Sir, Having received information that Mr. Adair has actually quitted Vienna, in consequence of an intimation from the Austrian government; I have the honour of requesting that you will have the goodness to acquaint me what is the latest date, at which you have reason to believe that Mr. Adair was still at Vienna. I have, &c. GEORGE CANNING.

No. 9.—Note from the prince de Starhemberg to Mr. Secretary Canning, dated London, Jan. 13, 1808.

In answer to the note which the undersigned has just received from his excellency the secretary of state, he has the honour to inform his excellency, that the last dispatches which he has received from his court, were of the 30th of October, and that no mention was made in them of the departure of Mr. Adair. The undersigned &c. LOUIS PRINCE DE STARHEMBERG.

No. X.—Note from Mr. Secretary Canning to the prince de Starhemberg, dated Jan. 13, 1808.

The undersigned, his majesty's principal secretary of state for foreign affairs, has the honour to inclose to the prince de Starhemberg, envoy extraordinary and minister plenipotentiary from his majesty the emperor of Austria, the passports which he has demanded for himself and for the Austrian mission at this court; having it at the same time in command from the king his master, to express his majesty's deep regret, that the circumstances of the time, and the orders of his court, should have imposed on the prince de Starhemberg the necessity of demanding them.—The undersigned &c. GEORGE CANNING.

PAPERS RELATIVE TO RUSSIA.

No. I.—Note from General Budberg to his excellency lord Granville Leveson Gower, dated June , 1807.

My Lord, Accept my best thanks for the promptitude with which you had the goodness to transmit to me the dispatches which I have received, together with your excellency's letter of the 11th (23rd) instant. The reports which your lordship mentions are well founded. On the 9th (21st) instant, an armistice was concluded, which was yesterday ratified by both parties. The two armies remain nearly in the same positions, and hostilities will not recommence until a month after the denunciation of the armistice. Sensible that is of the utmost importance to you to transmit this intelligence as speedily as possible to your court, I lose not an instant in re-dispatching the messenger whom your excellency has sent to me.—In respect, my lord, to the interview which you request of me, it would give me great pleasure to comply with your wishes if it were possible for me to foresee at what place the emperor will stay even for a few days; but as we are still upon our journey, I must wait for the first opportunity of taking his imperial majesty's commands, in order to invite you to rejoin me, where I may then be.—I have the honour to be, &c. A. DE BUDBERG.

No. II.—Note from his excellency lord Granville Leveson Gower, to general Budberg, dated Memel, 16th (28th) June 1807.

General,—I have to acknowledge the receipt of the intelligence of the armistice which was signed on the 21st of this month, and although I implicitly confide in your excellency's assurances, I cannot pass over in silence the prospect of a solid and permanent peace, which, from the tenour of your publick letter to the governor of Riga, your excellency appears to believe will be the result of that measure.—The reciprocal engagements between the courts of London and St. Petersburgh, the known principles and the firmness of his imperial Majesty, the verbal assurances of the emperor which I have just transmitted to the king my master, were so many pledges, that it is not now a question (according to public rumour) to negotiate for a separate peace, but for a general one; and whatever doubts I may have entertained on this subject, your excellency's letter to general Buxhovden has completely done away. The just and enlightened manner in which your excellency views the situation of Europe, convinces me that you could not expect a peace would be either firm or lasting, which did not include every power at war, and which was not founded upon an equitable basis. My court will be ready to concur in negotiations so formed, since it made war for the sole purpose of obtaining a secure and permanent peace. But your excellency will nevertheless permit me to express all the regret I feel, at being still unable to make known to my government the basis, upon which it is proposed to ground negotiations. At the moment when negotiation is carrying on with the enemy, it is most essential that unlimited confidence should subsist between the allied powers. Upon this principle it is that the court of London has ever acted, and it would be superfluous to recall to your excellency the eagerness testified by the British ministry last year to communicate to the Russian ambassador the whole of the correspondence with the French government. I wait with impatience your excellency's summons to repair to his majesty. Nothing can afford me greater pleasure than to repeat in person the assurances of the esteem, and high consideration with which I have the honour to be, &c. G. L. Gower.

No. III.—Note from general Budberg to his excellency lord Granville Leveson Gower, dated Tilsit, 13th (30th) June 1807.

Sir, and Ambassador, I have received the letter which your excellency did me the honour of addressing to me yesterday; and, having laid it before the emperor, my august master, I hasten to transmit to you the answer which his imperial majesty has commanded me to return to it.—The firmness and perseverance with which his majesty during eight months maintained and defended a cause which he had reason to suppose common to all sovereigns, are the most certain pledges of the intentions which animated him, as well as of the loyalty and purity of his principles.—Never would his imperial majesty have thought of deviating from that system which he has hitherto pursued, if he had been supported by a real assistance on the part of his allies.—But having, from the separation of Austria and of England, found himself reduced to his own forces, having to combat with the forces of France united to the immense means of which she has the disposal, and in the critical position at which affairs had arrived, his majesty was authorized in believing, that by continuing to sacrifice himself for others, he would ultimately incur a risk of compromising the safety of his own empire, without being enabled to hope that he might ever fulfil the original object of this war.—The conduct which your government has held during these latter times is moreover of a nature completely to justify the determination which the emperor has now taken. The diversion on the continent which England has so long since promised has not to this day taken place; and if even, according to the latest advices from London, it would appear that the British ministry has at length decided on ordering the departure of 10,000 men to Pomerania, that succour is in no wise proportioned, either to the hopes which we were authorised in entertaining, or to the importance of the object to which these troops were intended to be destined.—The pecuniary succours which England constantly afforded to the powers of the continent at war with France, might in some degree have supplied the want of English troops. Not only did the British government decline facilitating the loan which the imperial court had intended to negotiate at London; but when it at length decided on offering some subsidy to the continental powers, it appeared that the sum destined for this purpose, so far from meeting the exigencies of the allies, would not even have covered the indispensable expences of Prussia.—In fine, the use which has been made of the British forces in the Mediterranean has not been more conformable than the rest to the unity and the connection with which it was indispensable to act in the operations of Russia and England. In lieu of attempting an expedition on the continent of Italy, with a view of reconquering the kingdom of Naples, or else in lieu of uniting these forces to those of Russia which were designed to compel the Porte to a reasonable peace, one part of the English troops stationed in Sicily directed their course towards an entirely different destination, which the British government had not even judged proper to communicate to the court of Russia. It is a point not to be contested, that, by following one or the other of the courses which I have just cited, the English troops in the Mediterranean would have been of an infinitely greater utility to the common cause, by compelling the enemy to divide his forces, which would have enabled Russia to have sent to her main army those reinforcements, which she was under the necessity of employing on the Danube, to support her army destined to make head against the Turkish forces which might be collected in that quarter.—From this statement, I am willing to believe that your excellency will be persuaded, that in such a conjuncture, it only remained for the emperor my master to look to the glory and to the security of his empire, and that if the present crisis does not produce every result which might be expected, if the powers equally interested had displayed vigour in the same proportion as they have exhibited tardiness and irresolution in all their operations, no blame can on this account be attached to Russia.—But, at the same time, the emperor my master offers his mediation to his Britannick majesty to make his peace with France, having the certainty that it will be accepted by the latter power. I have the honour to be, &c. A. DE BUDBERG.

No. IV.—Note from M. Alopeus to Mr. Secretary Canning, dated London, 20th July (1st August) 1807.

The undersigned, minister plenipotentiary from his majesty the emperor of all the Russias to his Britannick majesty, has received the orders of his court to notify to the British ministry, that a treaty of peace was concluded at Tilsit on the 25th June (7th July) between Russia and France.—His imperial majesty of all the Russias, having on this occasion, proposed his mediation, for the purpose of negotiating and concluding likewise a treaty of peace between England and France, and the emperor Napoleon having, by the 13th article of the afore-mentioned treaty of peace, accepted that mediation, the object of the present note is to offer it in like manner to his majesty the king of Great Britain.—Long since acquainted with the pacifick sentiments of his Britannick majesty, the emperor of all the Russias flatters himself the more, that he will embrace this opportunity of restoring peace to all nations, and of insuring repose to the present generation; since that, in many conversations which his imperial majesty has held with the emperor of the French, he has had reason to be convinced, that he is sincerely desirous of the re-establishment of a maritime peace, upon equitable and honourable principles.—The emperor of all the Russias not only offers his interposition for the attainment of so desirable a result; but he would even be ready to promise the support of all the forces of his empire, for insuring the performance of all the stipulations of peace, when once it shall have taken place between England and France. By this guarantee, his Britannick majesty will obtain that which he has ever appeared to desire, and may without distrust follow the bent of his humane and pacifick sentiments.—The undersigned, in requesting Mr. Canning, principal secretary of state of foreign affairs, to apprize him as soon as possible of the determination which the cabinet of St. James's may judge expedient to take in consequence of this offer of mediation on the part of his august master, avails himself of the opportunity of renewing to his excellency the assurances of his highest consideration. M. ALOPEUS.

No. V.—Note from Mr. Secretary Canning to M. Alopeus, dated 5th August 1807.

The undersigned, his Britannick majesty's secretary of state for foreign affairs, has lost no time in laying before the king his master the official note presented to him by M. Alopeus, minister plenipotentiary of his majesty the emperor of all the Russias; in which M. Alopeus, by order of his court, notifies to the British government the conclusion at Tilsit, on the 25th June (7th July) of a treaty of peace between Russia and France, and announces at the same time, the offer of the mediation of his imperial majesty, for the conclusion of a treaty of peace between Great Britain and France, and the acceptance of that offer by the French government.—The undersigned has it in command from the king his master to declare, that the emperor of Russia does justice to the sentiments of the king, when his imperial majesty expresses his reliance on the king's disposition to contribute to the restoration of a general peace, such as may ensure the repose of Europe. Ample proofs of that disposition have recently been afforded by his majesty, as well in the answer returned, in his majesty's name, to the offer of the mediation of the emperor of Austria, as in the willingness expressed by his majesty to accede to the convention concluded at Bartenstein, on the 23d of April, between the emperor of Russia and the king of Prussia, and in the instructions which the undersigned transmitted by his majesty's command, upon the first intelligence of the late disastrous events in Poland, to his majesty's ambassador at the court of St. Petersburgh, by which instructions that ambassador was directed to signify to the ministers of the emperor of Russia, his majesty's perfect readiness to enter in concert with his august ally, into any negotiation which the emperor of Russia might think it expedient to open for the restoration of a general peace.—These sentiments and this disposition his majesty continues invariably to maintain.—The undersigned is, therefore, commanded by his majesty, to assure M. Alopeus, that his majesty waits with the utmost solicitude for the communication of the articles of the treaty concluded at Tilsit, and for the statement of those equitable and honourable principles, upon which his imperial majesty expresses his belief that France is desirous of concluding a peace with Great Britain.—His majesty trusts that the character of the stipulations of the treaty of Tilsit, and of the principles upon which France is represented as being ready to negotiate, may be found to be such as to afford to his majesty a just hope of the attainment of a secure and honourable peace. In that case his majesty will readily avail himself of the offer of the emperor of Russia's mediation.—But until his majesty shall have received these important and necessary communications, it is obviously impossible that the undersigned should be authorized to return a more specific answer to the note presented by M. Alopeus.—The undersigned, &c. GEORGE CANNING.

DECLARATION OF THE KING OF GREAT BRITAIN, RELATIVE TO THE WAR WITH DENMARK, DATED SEPT. 25, 1807.

His majesty owes to himself and to Europe a frank exposition of the motives which have dictated his late measures in the Baltick. His majesty has delayed this exposition only in the hope of that more amicable arrangement with the court of Denmark, which it was his majesty's first wish and endeavour to obtain; for which he was ready to make great efforts and great sacrifices; and of which he never lost sight even in the moment of the most decisive hostility. Deeply as the disappointment of this hope has been felt by his majesty, he has the consolation of reflecting that no exertion was left untried on his part to produce a different result. And while he laments the cruel necessity which has obliged him to have recourse to acts of hostility against a nation, with which it was his majesty's most earnest desire to have established the relations of common interest and alliance; his majesty feels confident that, in the eyes of Europe and of the world, the justification of his conduct will be found in the commanding and indispensable duty, paramount to all others amongst the obligations of a sovereign, of providing, while there was yet time, for the immediate security of his people—His majesty had received the most positive information of the determination of the present ruler of France to occupy, with a military force, the territory of Holstein:—for the purpose of excluding Great Britain from all her accustomed channels of communication with the continent; of inducing or compelling the court of Denmark to close the passage of the Sound against the British commerce and navigation; and of availing himself of the aid of the Danish marine for the invasion of Great Britain and of Ireland.—Confident as his majesty was of the authenticity of the sources from which this intelligence was derived, and confirmed in the credit, which he gave to it, as well by the notorious and repeated declarations of the enemy, and by his recent occupation of the towns and territories of other neutral states, as by the preparations actually made for collecting a hostile force upon the frontiers of his Danish majesty's continental dominions, his majesty would yet willingly have forborne to act upon this intelligence, until the complete and practical disclosure of the plan had made manifest to all the world the absolute necessity of resisting it. His majesty did forbear, as long as there could be a doubt of the urgency of the danger, or a hope of an effectual counteraction to it, in the means or in the dispositions of Denmark.—But his majesty could not but recollect that when, at the close of the former war, the court of Denmark engaged in a hostile confederacy against Great Britain, the apology offered by that court for so unjustifiable an abandonment of a neutrality which his majesty had never ceased to respect, was founded on its avowed inability to resist the operation of external influence, and the threats of a formidable neighbouring power. His majesty could not but compare the degree of influence, which at that time determined the decision of the court of Denmark, in violation of positive engagements, solemnly contracted but six months before; with the increased operation which France had now the means of giving to the same principle of intimidation, with kingdoms prostrate at her feet, and with the population of nations under her banners.—Nor was the danger less imminent than certain.—Already the army destined for the invasion of Holstein was assembling on the violated territory of neutral Hamburgh. And, Holstein once occupied, the island of Zealand was at the mercy of France, and the navy of Denmark at her disposal.—It is true, a British force might have found its way into the Baltick, and checked for a time the movements of the Danish marine. But the season was approaching when that precaution would no longer have availed; and when his majesty's fleet must have retired from that sea, and permitted France, in undisturbed security, to accumulate the means of offence against his majesty's dominions.—Yet, even under these circumstances, in calling upon Denmark for the satisfaction and security which his majesty was compelled to require, and in demanding the only pledge by which that security could be rendered effectual—the temporary possession of that fleet, which was the chief inducement to France for forcing Denmark into hostilities with Great Britain;—His majesty accompanied this demand with the offer of every condition which could tend to reconcile it to the interests and to the feelings of the court of Denmark.—It was for Denmark herself to state the terms and stipulations which she might require.—If Denmark was apprehensive that the surrender of her fleet would be resented by France as an act of connivance; his majesty had prepared a force of such formidable magnitude, as must have made concession justifiable even in the estimation of France, by rendering resistance altogether unavailing.—If Denmark was really prepared to resist the demands of France, and to maintain her independence; his majesty proffered his cooperation for her defence – naval, military and pecuniary aid; the guarantee of her European territories, and the security and extension of her colonial possessions.—That the sword has been drawn in the execution of a service indispensable to the safety of his majesty's dominions, is matter of sincere and painful regret to his majesty. That the state and circumstances of the world are such as to have required and justified the measures of self-preservation, to which his majesty has found himself under the necessity of resorting, is a truth which his majesty deeply deplores, but for which he is in no degree responsible.—His majesty has long carried on a most unequal contest of scrupulous forbearance against unrelenting violence and oppression. But that forbearance has its bounds. When the design was openly avowed, and already but too far advanced towards its accomplishment, of subjecting the powers of Europe to one universal usurpation, and of combining them by terror or by force in a confederacy against the maritime rights and political existence of this kingdom, it became necessary for his majesty to anticipate the success of a system, not more fatal to his interests than to those of the powers who were destined to be the instruments of its execution.—It was time that the effects of that dread which France has inspired into the nations of the world, should be counteracted by an exertion of the power of Great Britain, called for by the exigency of the crisis, and proportioned to the magnitude of the danger.—Notwithstanding the declaration of war on the part of the Danish Government, it still remains for Denmark to determine, whether war shall continue between the two nations. His majesty still proffers an amicable arrangement. He is anxious to sheathe the sword which he has been most reluctantly compelled to draw. And he is ready to demonstrate to Denmark and to the world, that having acted solely upon the sense of what was due to the security of his own dominions, he is not desirous, from any other motive, or for any object of advantage or aggrandisement, to carry measures of hostility beyond the limits of the necessity which has produced them.

DECLARATION OF THE KING OF GREAT BRITAIN AGAINST RUSSIA, DATED DECEMBER 18, 1807.

The declaration issued at St. Petersburgh by his majesty the emperor of all the Russias, has excited in his majesty's mind the strongest sensations of astonishment and regret.—His majesty was not unaware of the nature of those secret engagements which had been imposed upon Russia in the conferences of Tilsit. But his majesty had entertained the hope, that a review of the transactions of that unfortunate negotiation, and a just estimate of its effects upon the glory of the Russian name, and upon the interests of the Russian empire, would have induced his imperial majesty to extricate himself from the embarrassment of those new counsels and connections which he had adopted in a moment of despondency and alarm; and to return to a policy more congenial to the principles, which he has so invariably professed, and more conducive to the honour of his crown, and to the prosperity of his dominions.—

This hope has dictated to his majesty the utmost forbearance and moderation in all his diplomatic intercourse with the court of St. Petersburgh since the peace of Tilsit. His majesty had much cause for suspicion, and just ground of complaint. But he abstained from the language of reproach. His majesty deemed it necessary to require specifick explanation with respect to those arrangements with France, the concealment of which from his majesty could not but confirm the impression already received of their character and tendency. But his majesty, nevertheless, directed the demand of that explanation to be made, not only without asperity or the indication of any hostile disposition, but with that considerate regard to the feelings and situation of the emperor of Russia, which resulted from the recollection of former friendship, and from confidence interrupted but not destroyed.—The declaration of the emperor of Russia proves that the object of his majesty's forbearance and moderation has not been attained. It proves, unhappily, that the influence of that power, which is equally and essentially the enemy both of Great Britain and of Russia, has acquired a decided ascendency in the counsels of the cabinet of St. Petersburgh; and has been able to excite a causeless enmity between two nations, whose long-established connection, and whose mutual interests prescribed the most intimate union and co-operation.—His majesty deeply laments the extension of the calamities of war. But called upon, as he is, to defend himself against an act of unprovoked hostility, his majesty is anxious to refute, in the face of the world, the pretexts by which that act is attempted to be justified.—The declaration asserts that his majesty the emperor of Russia has twice taken up arms in a cause, in which the interest of Great Britain was more direct than his own; and founds upon this assertion the charge against Great Britain of having neglected to second and support the military operations of Russia.—His majesty willingly does justice to the motives which originally engaged Russia in the great struggle against France. His majesty avows with equal readiness the interest which Great Britain has uniformly taken in the fates and fortunes of the powers of the continent. But it would surely be difficult to prove that Great Britain, who was herself in a state of hostility with Prussia, when the war broke out between Prussia and France, had an interest and a duty more direct in espousing the Prussian quarrel, than the emperor of Russia; the ally of his Prussian majesty, the protector of the north of Europe, and the guarantee of the Germanick constitution. It is not in a publick declaration that his majesty can discuss the policy of having, at any particular period of the war, effected, or omitted to effect, disembarkations of troops on the coasts of Naples. But the instance of the war with the Porte, is still more singularly chosen to illustrate the charge against Great Britain of indifference to the interests of her ally: a war undertaken by Great Britain at the instigation of Russia, and solely for the purpose of maintaining Russian interests against the influence of France.—If, however, the peace of Tilsit is, indeed, to be considered as the consequence and the punishment of the imputed inactivity of Great Britain, his majesty cannot but regret that the emperor of Russia should have resorted to so precipitate and fatal a measure, at the moment, when he had received distinct assurances that his majesty was making the most strenuous exertions to fulfil the wishes and expectations of his ally (assurances which his imperial majesty received and acknowledged with apparent confidence and satisfaction); and when his majesty was, in fact, prepared to employ for the advancement of the common objects of the war, those forces which, after the peace of Tilsit, he was under the necessity of employing to disconcert a combination directed against his own immediate interests and security.—The vexation of Russian commerce by Great Britain is, in truth, little more than an imaginary grievance. Upon a diligent examination, made by his majesty's command, of the records of the British court of admiralty, there has been discovered only a solitary instance in the course of the present war, of the condemnation of a vessel really Russian: a vessel which had carried naval stores to a port of the common enemy. There are but few instances of Russian vessels detained: and none in which justice has been refused to a party regularly complaining of such detention. It is therefore matter of surprize as well as of concern to his majesty that the emperor of Russia should have condescended to bring forward a complaint which, as it cannot be seriously felt by those in whose behalf it is urged, might appear to be intended to countenance those exaggerated declamations, by which France perseveringly endeavours to inflame the jealousy of other countries, and to justify her own inveterate animosity, against Great Britain.—The peace of Tilsit was followed by an offer of mediation on the part of the emperor of Russia, for the conclusion of a peace between Great Britain and France; which it is asserted that his majesty refused.—His majesty did not refuse the mediation of the emperor of Russia: although the offer of it was accompanied by circumstances of concealment which might well have justified his refusal. The articles of the treaty of Tilsit were not communicated to his majesty: and specifically that article of the treaty, in virtue of which the mediation was proposed, and which prescribed a limited time for the return of his majesty's answer to that proposal. And his majesty was thus led into an apparent compliance with a limitation so offensive to the dignity of an independent sovereign. But the answer so returned by his majesty was not a refusal. It was a conditional acceptance. The conditions required by his majesty were,—a statement of the basis upon which the enemy was disposed to treat; and a communication of the articles of the peace of Tilsit. The first of these conditions was precisely the same which the emperor of Russia had himself annexed not four months before to his own acceptance of the proffered mediation of the emperor of Austria. The second was one which his majesty would have had a right to require even as the ally of his imperial majesty; but which it would have been highly improvident to omit, when he was invited to confide to his imperial majesty the care of his honour and of his interests.—But even if these conditions (neither of which has been fulfilled, although the fulfilment of them has been repeatedly required by his majesty's ambassador at St. Petersburgh) had not been in themselves perfectly natural and necessary; there were not wanting considerations which might have warranted his majesty in endeavouring, with more than ordinary anxiety, to ascertain the views and intentions of the emperor of Russia, and the precise nature and effect of the new relations which his imperial majesty had contracted.—The complete abandonment of the interests of the king of Prussia, (who had twice rejected proposals of separate peace, from a strict adherence to his engagements with his imperial ally,) and the character of those provisions which the emperor of Russia was contented to make for his own interests in the negotiations of Tilsit, presented no encouraging prospect of the result of any exertions which his imperial majesty might be disposed to employ in favour of Great Britain.—It is not, while a French army still occupies and lays waste the remaining dominions of the king of Prussia, in spite of the stipulations of the Prussian treaty of Tilsit; while contributions are arbitrarily exacted by France from that remnant of the Prussian monarchy, such as, in its entire and most flourishing state, the Prussian monarchy would have been unable to discharge; while the surrender is demanded, in time of peace, of Prussian fortresses, which had not been reduced during the war; and while the power of France is exercised over Prussia with such shameless tyranny, as to designate and demand for instant death, individuals, subjects of his Prussian majesty, and resident in his dominions, upon a charge of disrespect towards the French government;—it is not while all these things are done and suffered, under the eyes of the emperor of Russia, and without his interference on behalf of his ally, that his majesty can feel himself called upon to account to Europe, for having hesitated to repose an unconditional confidence in the efficacy of his imperial majesty's mediation.—Nor, even if that mediation had taken full effect, if a peace had been concluded under it, and that peace guaranteed by his imperial majesty, could his majesty have placed implicit reliance on the stability of any such arrangement, after having seen the emperor of Russia openly transfer to France the sovereignty of the Ionian republic, the independence of which his imperial majesty had recently and solemnly guaranteed.—But while the alledged rejection of the emperor of Russia's mediation, between Great Britain and France, is stated as a just ground of his imperial majesty's resentment; his majesty's request of that mediation, for the re-establishment of peace between Great Britain and Denmark, is represented as an insult which it was beyond the bounds of his imperial majesty's moderation to endure.—His majesty feels himself under no obligation to offer any atonement or apology to the emperor of Russia for the expedition against Copenhagen. It is not for those who were parties to the secret arrangements of Tilsit, to demand satisfaction for a measure to which those arrangements gave rise, and by which one of the objects of them has been happily defeated.—His majesty's justification of the expedition against Copenhagen is before the world. The Declaration of the emperor of Russia would supply whatever was wanting in it; if any thing could be wanting to convince the most incredulous of the urgency of that necessity under which his majesty acted.—But until the Russian declaration was published, his majesty had no reason to suspect that any opinions which the emperor of Russia might entertain of the transactions at Copenhagen could be such as to preclude his imperial majesty from undertaking, at the request of Great Britain, that same office of mediator, which he had assumed with so much alacrity on the behalf of France, nor can his majesty forget that the first symptoms of reviving confidence, since the peace of Tilsit, the only prospect of success in the endeavours of his majesty's ambassador to restore the ancient good understanding between Great Britain and Russia, appeared when the intelligence of the siege of Copenhagen had been recently received at St. Petersburgh.—The inviolability of the Baltick sea, and the reciprocal guaranties of the powers that border upon it, guaranties said to have been contracted with the knowledge of the British government, are stated as aggravations of his majesty's proceedings in the Baltick. It cannot be intended to represent his majesty as having at any time acquiesced in the principles upon which the inviolability of the Baltick is maintained; however his majesty may at particular periods have forborne, for special reasons influencing his conduct at the time, to act in contradiction to them. Such forbearance never could have applied but to a state of peace and real neutrality in the north; and his majesty most assuredly could not be expected to recur to it, after France has been suffered to establish herself in undisputed sovereignty along the whole coast of the Baltick sea from Dantzig to Lubeck.—But the higher the value which the emperor of Russia places on the engagements respecting the tranquillity of the Baltick, which he describes himself as inheriting from his immediate predecessors, the empress Catherine and the emperor Paul, the less justly can his imperial majesty resent the appeal made to him by his majesty as the guarantee of the peace to be concluded between Great Britain and Denmark. In making that appeal, with the utmost confidence and sincerity, his majesty neither intended, nor can he imagine that he offered, any insult to the emperor of Russia. Nor can his majesty conceive that, in proposing to the Prince Royal terms of peace, such as the most successful war on the part of Denmark could hardly have been expected to extort from Great Britain, his maj. rendered himself liable to the imputation, either of exasperating the resentment, or of outraging the dignity, of Denmark.—His majesty has thus replied to all the different accusations by which the Russian government labours to justify the rupture of a connection which has subsisted for ages, with reciprocal advantage to Great Britain and Russia; and attempts to disguise the operation of that external influence by which Russia is driven into unjust hostilities for interests not her own.—The Russian declaration proceeds to announce the several conditions on which alone these hostilities can be terminated, and the intercourse of the two countries renewed.—His majesty has already had occasion to assert that justice has in no instance been denied to the claims of his imperial majesty's subjects.—The termination of the war with Denmark has been so anxiously sought by his majesty, that it cannot be necessary for his majesty to renew any professions upon that subject. But his majesty is at a loss to reconcile the emperor of Russia's present anxiety for the completion of such an arrangement, with his imperial majesty's recent refusal to contribute his good offices for effecting it.—The requisition of his imperial majesty for the immediate conclusion, by his majesty, of a peace with France, is as extraordinary in the substance, as it is offensive in the manner. His majesty has at no time declined to treat with France, when France has professed a willingness to treat on an admissible basis. And the emperor of Russia cannot fail to remember that the last negociation between Great Britain and France was broken off, upon points immediately affecting, not his majesty's own interests, but those of his imperial ally. But his majesty neither understands nor will he admit the pretension of the emperor of Russia to dictate the time, or the mode, of his majesty's pacific negociations with other powers. It never will be endured by his majesty that any government shall indemnify itself for the humiliation of subserviency to France, by the adoption of an insulting and peremptory tone towards Great Britain.—His majesty proclaims anew those principles of maritime law, against which the armed neutrality, under the auspices of the empress Catherine, was originally directed; and against which the present hostilities of Russia are denounced. Those principles have been recognized and acted upon in the best periods of the history of Europe: and acted upon by no power with more strictness and severity than by Russia herself in the reign of the empress Catherine,—Those principles it is the right and the duty of his majesty to maintain: and against every confederacy his majesty is determined, under the blessing of Divine Providence, to maintain them. They have at all times contributed essentially to the support of the maritime power of Great Britain; but they are become incalculably more valuable and important at a period when the maritime power of Great Britain constitutes the sole remaining bulwark against the overwhelming usurpations of France; the only refuge to which other nations may yet resort, in happier times, for assistance and protection.—When the opportunity for peace between Great Britain and Russia shall arrive, his majesty will embrace it with eagerness. The arrangements of such a negociation will not be difficult or complicated. His majesty, as he has nothing to concede, so he has nothing to require: satisfied, if Russia shall manifest a disposition to return to her ancient feelings of friendship towards Great Britain; to a just consideration of her own true interests; and to a sense of her own dignity as an independent nation.

Mr. *Whitbread* inquired, whether it was the intention of his majesty's ministers to submit to the house any proposition, founded upon the above Papers?

Mr. Secretary *Canning* replied, that he was not aware of any such intention.

Mr. *Whitbread* then gave notice, that after a sufficient time had elapsed to give the members an opportunity of duly investigating the contests of these Papers, he should move some proposition, which would bring the house directly to the point of the propriety, at the present time, of entering into a negociation with France.

[Russian mediation.] Mr. *Ponsonby* wished to know whether his majesty's ministers had any objections to the immediate production of the proposition made by this country, for the Mediation of Russia, between Great Britain and Denmark, and of the Answer made thereto.

Mr. Secretary *Canning* replied, that unquestionably his majesty's ministers could have no objection to furnish the house with whatever information actually existed on the subject alluded to by the right hon. gent. For this purpose he was desirous that the right hon. gent. should shape his motion in such a manner, that it might apply to papers actually in existence. If the right hon. gent. meant to move for any official instruction on the subject, he could inform him that no such existed; but if he confined his motion simply for the proposal that had been made to the court of Russia on the subject of mediation with Denmark, with the result of that proposal, to such a motion there could be no possible objection.

Mr. *Ponsonby* expressed his wish to shape his motion, so as to attain the object he desired. The right hon. gent. must certainly be better informed on the subject than he was; but he confessed he could not understand how any proposition could be made to the court of Petersburgh, without official instructions to our ambassador. The answer, too, must be official, and assuredly all these papers might be forth coming.—After some further conversation, it was agreed to draw up a motion in concert, which was done, as follows: "That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this house, Copies or Extracts of such parts of the Correspondence between his majesty's secretary of state and his majesty's minister at the court of St. Petersburgh, as relate to the request, on the part of his majesty, of his imperial majesty's Mediation for the Restoration of Peace between his majesty and the crown of Denmark."

Orders in Council relative to Neutral Vessels, &c.] The *Chancellor of the Exchequer* presented to the house, by his majesty's command, the following Papers, viz.

ORDERS IN COUNCIL,

PRESENTED TO THE HOUSE OF COMMONS, BY HIS MAJESTY'S COMMAND, JAN. 26, 1808.

Order in Council; prohibiting Trade to be carried on between Port and Port of Countries under the dominion or usurped controul of France and her Allies.

At the Court at the Queen's Palace, the 7th of January 1807; Present, The King's most excellent Majesty in council.—Whereas the French government has issued certain Orders, which, in violation of the usages of war, purport to prohibit the Commerce of all Neutral Nations with his majesty's dominions, and also to prevent such nations from trading with any other country, in any articles, the growth, produce, or manufacture of his majesty's dominions: and whereas the said government has also taken upon itself to declare all his majesty's dominions to be in a state of blockade, at a time when the fleets of France and her allies are themselves confined within their own ports by the superior valour and discipline of the British navy: and whereas such attempts on the part of the enemy would give to his majesty an unquestionable right of retaliation, and would warrant his majesty in enforcing the same prohibition of all commerce with France, which that power vainly hopes to effect against the commerce of his majesty's subjects; a prohibition which the superiority of his majesty's naval forces might enable him to support, by actually investing the ports and coasts of the enemy with numerous squadrons and cruisers, so as to make the entrance or approach thereto manifestly dangerous: and whereas his majesty, though unwilling to follow the example of his enemies, by proceeding to an extremity so distressing to all nations not engaged in the war, and carrying on their accustomed trade, yet feels himself bound by a due regard to the just defence of the rights and interests of his people, not to suffer such measures to be taken by the enemy, without taking some steps on his part to restrain this violence, and to retort upon them the evils of their own injustice: his majesty is thereupon pleased, by and with the advice of his privy council, to order, and it is hereby ordered, That no vessel shall be permitted to trade from one port to another, both which ports shall belong to or be in the possession of France or her allies, or shall be so far under their controul, as that British vessels may not freely trade thereat: and the commanders of his majesty's ships of war and privateers shall be, and are hereby instructed to warn every neutral vessel coming from any such port, and destined to another such port, to discontinue her voyage, and not to proceed to any such port; and any vessel after being so warned, or any vessel coming from any such port, after a reasonable time shall have been afforded for receiving information of this his majesty's Order, which shall be found proceeding to another such port, shall be captured and brought in, and, together with her cargo, shall be condemned as lawful prize: and his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty, and courts of vice admiralty, are to take the necessary measures herein as to them shall respectively appertain. (Signed) Wm. Fawkner.

Order in Council; approving Draught of an additional Instruction to the Commanders of His Majesty's Ships of War and Privateers, directing that Neutral Vessels, laden with Cargoes consisting of the Articles therein enumerated, coming for importation to any Port of the United Kingdom (provided they shall not be coming from any Port in a state of strict and rigorous Blockade), shall not be interrupted; and that in case any such Articles shall be brought for Adjudication before the High Court of Admiralty, or any Court of Vice Admiralty, the same shall be forthwith liberated, upon a Claim being given by or on behalf of the Merchant or Merchants to whom such Articles shall be coming for Importation.

At the Court at the Queen's Palace, the 4th of Feb. 1807; present, the King's most excellent Majesty in Council.—Whereas there was this day read at the Board, the annexed Draught of an Additional Instruction to the commanders of his majesty's ships of war and privateers, directing that they do not interrupt Neutral Vessels laden with Cargoes consisting of the Articles thereinafter enumerated, coming for importation to any port of the united kingdom (provided they are not coming from any port in a state of strict and rigorous Blockade); and in case any such vessel, so coming with such articles, shall be brought for adjudication before the high court of admiralty, or any court of vice admiralty, that the same shall be forthwith liberated, upon a claim being given by or on behalf of the merchant or merchants to whom such Articles are coming for Importation: his majesty taking the said Draught of Additional Instruction into consideration, was pleased, with the advice of his privy council, to approve thereof; and to order, as it is hereby ordered, That the right hon. earl Spencer, one of his majesty's principal secretaries of state, do cause the said Instruction to be prepared for his majesty's royal signature. (Signed) W. Fawkner.

DRAUGHT of an Additional Instruction to the Commanders of our Ships of War and Privateers.

Our will and pleasure is, That you do not interrupt Neutral Vessels laden with cargoes consisting of the Articles hereinafter enumerated, coming for Importation to any port of our united kingdom (provided they are not coming from any port in a state of strict and rigorous blockade); and in case any such vessel so coming with such Articles, shall be brought for adjudication before our high court of admiralty, or any court of vice admiralty, we hereby direct that the same shall be forthwith liberated, upon a claim being given by or on behalf of the merchant or merchants to whom such Articles are coming for Importation.

Enumeration of Articles.

Grain, viz. corn, meal, and flour, (if importable according to the provisions of the corn laws); rice, Spanish wool, Mohair yarn, madder and madder roots, smalts, shumack, argol, galls, cream of tartar, safflower, valone, brimstone, Spanish wine, indigo, saffron, verdigrease, cochineal, orchella weed, cork, olive oil, fruit, ashes, juniper berries, barilla; organzined, thrown, and raw silk (not being of the production of the East Indies or China); quicksilver, bullion coined and uncoined; goat, kid, and lamb skins; rags, oak bark, flax, seeds, oil of turpentine, pitch, hemp, timber, fir, oak, oak plank, masts, and yards.

ORDER in Council; approving Draught of Additional Instructions directing that the Ships and Goods belonging to the Inhabitants of Hamburgh, Bremen, and other places and countries in the north of Germany, which Vessels and Goods shall be engaged in the Trade to or from the Ports of the United Kingdom, shall, until further Order, be suffered to pass free and unmolested, &c,

At the Court at the Queen's Palace, the 18th of Feb. 1807; present, the King's most excellent Majesty in Council.—Whereas there was this day read at the board the annexed draught of Additional instructions to the commanders of ships of war and privateers, and to the judge of the high court of admiralty, and the judges of the courts of vice-admiralty, directing, that the ships and goods belonging to the Inhabitants of Hamburgh, Bremen, and other places and countries in the north of Germany, which vessels and goods shall be employed in a trade to or from the ports of the united kingdom, shall until further order, be suffered to pass free and unmolested, notwithstanding that the said countries are or may be in the possession or under the controul of France and her allies; and that all such ships and goods so trading, which may have been already detained, shall be forthwith liberated, and restored: his majesty, taking the said draught of additional instructions into consideration, was pleased, with the advice of his privy council, to approve thereof; and to order, as it is hereby ordered, That the right honourable earl Spencer, one of his majesty's principal secretaries of state, do cause the said additional instructions to be prepared for his majesty's royal signature.

(Signed) W. FAWKENER.

ADDITIONAL INSTRUCTIONS to the Commanders of Ships of War and Privateers, to the Judge of the High Court of Admiralty, and the Judges of the courts of Vice Admiralty. Given, &c.

OUR will and pleasure is, That the ships and goods belonging to the inhabitants of Hamburgh, Bremen, and other places and countries in the north of Germany, which vessels and goods shall be employed in a trade to or from the ports of our united kingdom, shall, until further order, be suffered to pass free and unmolested, notwithstanding that the said countries are or may be in the possession or under the controul of France and her allies; and all such ships and goods so trading which may have been already detained, shall be forthwith liberated and restored.

ORDER in Council; directing, that all Vessels under the flag of Mecklenburgh, Oldenburgh, Papenburgh, or Kniphausen, shall be forthwith warned not to trade in future at any hostile Port, unless such vessels shall be going from or coming to a Port of the United Kingdom, &c.

At the Court at the Queen's Palace, the 19th of August 1807; present, the King's most excellent Majesty in Council.—His majesty, taking into consideration the measures recently resorted to by the enemy for distressing the commerce of the united kingdom, is pleased, by and with advice of his privy council, to order, and it is hereby ordered, That all vessels under the flag of Mecklenburgh, Oldenburgh, Papenburgh, or Kniphausen, shall be forthwith warned not to trade in future at any hostile port, unless such vessels shall be going from or coming to a port of the united kingdom; and in case any such vessel, after having been so warned, shall be found trading, or to have traded after such warning; or in case any vessel or goods, belonging to the inhabitants of such countries, after the expiration of 6 weeks from the date of this order, shall be found trading, or to have traded after such 6 weeks have expired, at any hostile port, such vessel and goods, unless going from or coming to a port of the united kingdom, shall be seized and brought in for legal adjudication, and shall be condemned as lawful prize to his majesty: and his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judge of the high court of admiralty. and judges of the courts of vice admiralty, are to take the necessary measures herein as to them may respectively appertain. (Signed) Steph. Cottrell.

Order in Council; containing certain Regulations under which the Trade to and from the enemies Country shall be carried on.

At the Court at the Queen's Palace, the 11th Nov. 1807: present, the King's most excellent Majesty in Council.—Whereas articles of the growth and manufacture of foreign countries cannot by law be imported into this country, except in British ships, or in ships belonging to the countries of which such articles are the growth and manufacture, without an Order in council specially authorizing the same:—His majesty, taking into consideration the Order of this day's date, respecting the trade to be carried on to and from the ports of the enemy, and deeming it expedient that any vessel, belonging to any country in alliance or at amity with his majesty, may be permitted to import into this country articles of the produce or manufacture of countries at war with his majesty:—His majesty, by and with the advice of his privy council, is therefore pleased to order, and it is hereby ordered, That all goods, wares, or merchandizes, specified and included in the schedule of an act, passed in the 43rd year of his present majesty's reign, intituled, "an act to repeal the duties of customs payable in Great Britain, and to grant other duties in lieu thereof," may be imported from any port or place belonging to any state not at amity with his majesty, in ships belonging to any state at amity with his majesty, subject to the payment of such duties, and liable to such drawbacks, as are now established by law upon the importation of the said goods, wares, or merchandize, in ships navigated according to law: and with respect to such of the said goods, wares, or merchandize, as are authorized to be warehoused under the provisions of an act, passed in the 43rd year of his present majesty's reign, intituled, "an act for permitting certain goods imported into Great Britain, to be secured in warehouses without payment of duty," subject to all the regulations of the said last-mentioned act; and with respect to all articles which are prohibited by law from being imported into this country, it is ordered, That the same shall be reported for exportation to any country in amity or alliance with his majesty.—And his majesty is further pleased, by and with the advice of his privy council, to order, and it is hereby ordered, That all vessels which shall arrive at any port of the united kingdom, or at the port of Gibraltar, or Malta, in consequence of having been warned pursuant to the aforesaid Order, or in consequence of receiving information in any other manner of the said Order, subsequent to their having taken on board any part of their cargoes, whether previous or subsequent to their sailing, shall be permitted to report their cargoes for exportation, and shall be allowed to proceed upon their voyages to their original ports of destination (if not unlawful before the issuing of the order) or to any port at amity with his majesty, upon receiving a certificate from the collector or comptroller of the customs at the port at which they shall so enter (which certificate the said collectors and comptrollers of the customs are hereby authorized and required to give) setting forth, that such vessels came into such port in consequence of being so warned, or of receiving such information as aforesaid, and that they were permitted to sail from such port under the regulations which his majesty has been pleased to establish in respect to such vessels: but in case any vessel so arriving shall prefer to import her cargo, then such vessel shall be allowed to enter and import the same, upon such terms and conditions as the said cargo might have been imported upon, according to law, in case the said vessel had sailed after having received notice of the said Order, and in conformity thereto.—And it is further ordered, That all vessels which shall arrive at any port of the united kingdom, or at Gibraltar, or Malta, in conformity and obedience to the said Order, shall be allowed, in respect to all articles which may be on board the same, except sugar, coffee, wine, brandy, snuff, and tobacco, to clear out to any port whatever, to be specified in such clearance; and, with respect to the last mentioned articles, to export the same to such ports and under such conditions and regulations only as his majesty, by any licence to be granted for that purpose, may direct.—And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein, as to them shall respectively appertain. (Signed) W. FAWKENER.

ORDER in Council; declaring the future Sale and Transfer of enemies Vessels to the Subjects of a Neutral Country, to be invalid.

At the Court at the Queen's Palace, the 11th Nov. 1807; present, the King's most excellent Majesty in Council.—Whereas the sale of ships by a belligerent to a neutral, is considered by France to be illegal:—And whereas a great part of the shipping of France and her allies has been protected from capture during the present hostilities by transfers, or pretended transfers, to neutrals:—And whereas it is fully justifiable to adopt the same rule, in this respect, towards the enemy, which is applied by the enemy to this country:—His majesty is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, That in future the sale to a neutral of any vessel belonging to his majesty's enemies shall not be deemed to be legal, nor in any manner to transfer the property, nor to alter the character of such vessel: and all vessels now belonging, or which shall hereafter belong to any enemy of his majesty, notwithstanding any sale or pretended sale to a neutral, after a reasonable time shall have elapsed for receiving information of this his majesty's Order at the place where such sale or pretended sale was effected, shall be captured and brought in, and shall be adjudged as lawful prize to the captors.—And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice admiralty, are to take the necessary measures herein, as to them shall respectively appertain. (Signed) W. FAWKENER.

ORDER in Council; declaring the Dominions of his Majesty's Enemies, and of Countries under their Controul, in a state of Blockade, under the Exceptions specified in the said Order.

At the Court at the Queen's Palace, the 11th Nov. 1807; present, the King's most excellent Majesty in Council.—Whereas certain Orders, establishing an unprecedented system of warfare against this kingdom, and aimed especially at the destruction of its commerce and resources, were some time since issued by the government of France, by which "the British islands were declared to be in a state of blockade," thereby subjecting to capture and condemnation all vessels, with their cargoes, which should continue to trade with his majesty's dominions:—And whereas by the same Orders, "all trading in English merchandize is prohibited; and every article of merchandize belonging to England, or coming from her colonies, or of her manufacture, is declared lawful prize:"—And whereas the nations in alliance with France, and under her controul, were required to give, and have given, and do give, effect to such Orders:—And whereas his majesty's Order of the 7th of January last, has not answered the desired purpose, either of compelling the enemy to recall those Orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation; but, on the contrary, the same have been recently enforced with increased rigour:—And whereas his majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights, and for supporting that maritime power which the exertions and valour of his people have, under the blessing of Providence, enabled him to establish and maintain; and the maintenance of which is not more essential to the safety and prosperity of his majesty's dominions, than it is to the protection of such states as still retain their independence, and to the general intercourse and happiness of mankind:—His majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, That all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe, from which, although not at war with his majesty, the British flag is excluded, and all ports or places in the colonies belonging to his majesty's enemies, shall from henceforth be subject to the same restrictions, in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by his majesty's naval forces, in the most strict and rigorous manner: and it is hereby further ordered and declared, that all trade in articles which are of the produce or manufacture of the said countries or colonies, shall be deemed and considered to be unlawful; and that every vessel trading from or to the said countries or colonies, together with all goods and merchandize on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured and condemned as prize to the captors.—But, although his majesty would be fully justified, by the circumstances and considerations above recited, in establishing such system of restrictions with respect to all the countries and colonies of his enemies, without exception or qualification; yet his majesty, being nevertheless desirous not to subject neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect his majesty's just determination to counteract the designs of his enemies, and to retort upon his enemies themselves the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply; and even to leave open, for the present, such trade with his majesty's enemies as shall be carried on directly with the ports of his majesty's dominions, or of his allies, in the manner hereinafter mentioned:—His majesty is therefore pleased further to order, and it is hereby ordered, That nothing herein contained shall extend to subject to capture or condemnation any vessel, or the cargo of any vessel, belonging to any country not declared by this Order to be subjected to the restrictions incident to a state of blockade, which shall have cleared out with such cargo from some port or place of the country to which she belongs, either in Europe or America, or from some free port in his majesty's colonies, under circumstances in which such trade from such free port is permitted, direct to some port or place in the colonies of his majesty's enemies, or from those colonies direct to the country to which such vessel belongs, or to some free port in his majesty's colonies, in such cases, and with such articles, as it may be lawful to import into such free port;—nor to any vessel, or the cargo of any vessel, belonging to any country not at war with his majesty, which shall have cleared out from some port or place in this kingdom, or from Gibraltar or Malta, under such regulations as his majesty may think fit to prescribe, or from any port belonging to his majesty's allies, and shall be proceeding direct to the port specified in her clearance;—nor to any vessel, or the cargo of any vessel, belonging to any country not at war with his majesty, which shall be coming from any port or place in Europe which is declared by this Order to be subject to the restrictions incident to a state of blockade, destined to some port or place in Europe belonging to his majesty, and which shall be on her voyage direct thereto: but these exceptions are not to be understood as exempting from capture or confiscation any vessel or goods which shall be liable thereto in respect of having entered or departed from any port or place actually blockaded by his majesty's squadrons or ships of war, or for being enemies' property, or for any other cause than the contravention of this present Order.—And the commanders of his majesty's ships of war and privateers, and other vessels acting under his majesty's commission, shall be, and are hereby instructed to warn every vessel which shall have commenced her voyage prior to any notice of this Order, and shall be destined to any port of France, or of her allies, or of any other country at war with his majesty, or to any port or place from which the British flag as aforesaid is excluded, or to any colony belonging to his majesty's enemies, and which shall not have cleared out as is hereinbefore allowed, to discontinue her voyage, and to proceed to some port or place in this kingdom, or to Gibraltar or Malta; and any vessel which, after having been so warned, or after a reasonable time shall have been afforded for the arrival of information of this his majesty's Order at any port or place from which she sailed, or which, after having notice of this Order, shall be found in the prosecution of any voyage contrary to the restrictions contained in this Order, shall be captured, and, together with her cargo, condemned as lawful prize to the captors.—And whereas countries, not engaged in the war, have acquiesced in the Orders of France, prohibiting all trade in any articles the produce or manufacture of his majesty's dominions; and the merchants of those countries have given countenance and effect to those prohibitions, by accepting from persons styling themselves commercial agents of the enemy, resident at neutral ports, certain documents, termed "Certificates of Origin," being certificates obtained at the ports of shipment, declaring that the articles of the cargo are not of the produce or manufacture of his majesty's dominions; or to that effect:—And whereas this expedient has been directed by France, and submitted to by such merchants, as part of the new system of warfare directed against the trade of this kingdom, and as the most effectual instrument of accomplishing the same, and it is therefore essentially necessary to resist it:—His majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, That if any vessel, after reasonable time shall have been afforded for receiving notice of this his majesty's Order at the port or place from which such vessel shall have cleared out, shall be found carrying any such certificate or document as aforesaid, or any document referring to or authenticating the same, such vessel shall be adjudged lawful prize to the captor, together with the goods laden therein, belonging to the person or persons by whom, or on whose behalf, any such document was put on board.—And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain. (Signed) W. FAWKENER.

ORDER in Council; approving Draught of Instructions to the Commanders of his Majesty's Ships of War and Privateers, &c. to act in due conformity to and execution of the Order in Council of the 11th of November, declaring the Dominions of his Majesty's Enemies, and of Countries under their Controul, in a state of Blockade.

At the Court at the Queen's Palace, the 18th Nov. 1807; present, the King's most excellent Majesty in Council.—Whereas there was this day read at the Board, the annexed Draught of Instructions to the Commanders of all ships of war and privateers, and to the judge of the high court of admiralty, and the judges of the courts of vice admiralty, strictly charging and enjoining them to act in due conformity to and execution of his majesty's Order in Council of the 11th of this instant, declaring the dominions of his majesty's enemies, and of countries under their controul, in a state of blockade, under the exceptions specified in the said Order: his majesty, taking the said draught of instructions into consideration, was pleased, with the advice of his privy council, to approve thereof, and to order, as it is hereby ordered, That the right hon. lord Hawkesbury, one of his majesty's principal secretaries of state, do cause the said instructions (a copy whereof is hereunto annexed) to be prepared for his majesty's royal signature. (Signed) W. FAWKENER.

DRAUGHT of Instructions to the Commanders of his Majesty's Ships of War and Privateers, and to the judge of the High Court of Admiralty, and Judges of the Courts of Vice Admiralty. Given, &c.

Whereas by our Order in Council of the 11th Nov. instant, it is recited and ordered as follows; to wit, &c. [Here the said Order is recited, as in p. 134.] Our will and pleasure is, and we do hereby direct, by and with the advice of our privy council, that the commanders of our ships of war and privateers do act in due conformity to and execution of our aforesaid Order in Council: and we do further order and declare, That nothing in the said Order shall extend or be construed to extend to prevent any vessel, not belonging to a country declared to be under the restrictions of blockade as aforesaid, from carrying from any port or place of the country to which such vessel belongs, any articles of manufacture or produce whatever, not being enemies property, to any port or place in this kingdom.—And we do further direct, That all articles of British manufacture, upon due proof thereof, (not being naval or military stores) shall be restored by our courts of admiralty or vice admiralty, on whatever voyage they may have been captured, to whomsoever the same shall appear to belong: and we do further direct, with respect to vessels subject only to be warned, that any vessel which shall belong to any country not declared by the said Order to be under the restrictions of blockade, and which shall be proceeding on her voyage direct to some port or place of the country to which such vessel belongs, shall be permitted to proceed on her said voyage; and any vessel bound to any port in America or the West Indies, to which port or place such vessel does not belong, and which is met near to America or the West Indies, shall be permitted, at the choice of the master of such vessel, to proceed either to Halifax, or to one of our free ports in the West Indies, at the option of such master, which choice of the master, and the port chosen by and assigned to him, shall be written on one or more of the principal ship's papers; and any vessel subject to warning, met beyond the equator, shall in like manner be permitted to proceed, at the choice of the master of such vessel, either to St. Helena, the Cape of Good Hope, or the island of Ceylon; and any such vessel which shall be bound to any port or place in Europe, shall be permitted, at the choice of the master of such vessel, to proceed either to Gibraltar or Malta, or to any port in this kingdom, at the option of such master, which request of the master, as well as the port chosen by and assigned to him, shall be in like manner written upon one or more of the principal ship's papers: and we do further direct, that nothing in the above Order contained, shall extend or be construed to extend to repeal or vacate the additional instructions of the 4th day of February last, directing that neutral vessles laden with cargoes consisting of the articles therein enumerated, coming for importation to any port of our united kingdom (provided they are not coming from any port in a state of strict and rigorous blockade) shall not be interrupted.

ORDER in Council; approving Draught of Additional Instructions to the Commanders of Ships of War and Privateers, &c. for protecting Goods going from and coming to any Port of the United Kingdom, to whomsoever the Property may appear to belong.

At the Court at the Queen's Palace, the 25th Nov. 1807; present, the King's most excellent Majesty in Council.—Whereas there was this day read at the Board, the annexed Draught of Additional Instructions to the commanders of all ships of war and privateers, and to the judge of the high court of admiralty, and the judges of the courts of vice admiralty, for protecting goods going from and coming to any port of the united kingdom, to whomsoever the property may appear to belong: his majesty, taking the said Draught of Instruction into consideration, was pleased, with the advice of his privy council, to approve thereof, and to order, as it is hereby ordered, That the right hon. lord Hawkesbury, one of his majesty's principal secretaries of state, do cause the said instruction (a copy whereof is hereunto annexed) to be prepared for his majesty's royal signature. (Signed) W. FAWKENER.

DRAUGHT of an Additional Instruction to the Commanders of Our Ships of War and Privateers, and to the Judge of Our High Court of Admiralty, and the Judges of Our Courts of Vice Admiralty. Given, &c.

Our will and pleasure is, that vessels belonging to any state nor at war with us, laden with cargoes in any ports of the united kingdom, and clearing out according to law, shall not be interrupted or molested in proceeding to any port in Europe (except ports specially notified to be in a state of strict and rigorous blockade before our order of the 11th Nov. instant) or which shall hereafter be so notified, to whomsoever the goods laden on board such vessels may appear to belong: and we do further direct, that vessels belonging as aforesaid, coming from any port in Europe (except as before excepted) direct to any port of the united kingdom with goods for importation, shall not be interrupted in the said voyages, to whomsoever the goods laden on board the said vessels may appear to belong: and in case any vessel which shall be met with, and asserted by her master to be so coming, shall be detained, on suspicion of not being really destined to this kingdom, such vessel shall be brought to the most convenient port in the course of her asserted destination, and the captors are hereby required to enquire, with all convenient speed, into the alledged destination; and in case any vessel and goods so brought in and detained shall be proceeded against in our high court of admiralty, or in any courts of vice admiralty, we hereby direct that the same shall be forthwith restored, upon satisfactory proof being made that the cargo was coming for importation to a port of this kingdom.

ORDER in Council; appointing Times at which Notice shall be presumed to have been received of the Order of the 11th instant at the different places specified in the said Order.

At the Court at the Queen's Palace, the 25th Nov. 1807; present, the King's most excellent Majesty in Council.—Whereas it has been represented that it would be expedient to fix certain periods, at which it shall be deemed that a reasonable time shall have elapsed for receiving information, at different places, of his majesty's Order in council of the 11th Nov. instant, respecting the trade with his majesty's enemies, and in their produce and manufactures: his majesty, taking the same into consideration, and being desirous to obviate any difficulties that may arise in respect thereto, and also to allow ample time for the said Order being known to all persons who may be affected thereby, is pleased, by and with the advice of his privy council, to order and declare, and it is hereby ordered and declared, That information of the said Order of the 11th Nov. instant, shall be taken and held to have been received in the places hereinafter mentioned, at the periods respectively assigned to them; namely, ports and places within the Baltic, Dec. 21st 1807; other ports and places to the northward of Amsterdam, Dec. 11th 1807; from Amsterdam to Ushant, Dec. 4th 1807; from Ushant to Cape Finisterre, Dec. 8th 1807; from Cape Finisterre to Gibraltar, inclusive, Dec. 13th 1807; Madeira, Dec. 13th 1807; ports and places within the Streights of Gibraltar, to Sicily and Malta, and the west coast of Italy, inclusive, Jan. 1st 1808; all other ports and places in the Mediterranean, beyond Sicily and Malta, Jan. 20th 1808; ports and places beyond the Dardanelles, Feb. 1st 1808; any part of the north and western coast of Africa, or the islands adjacent, except Madeira, Jan. 11th 1808; the United States, and British possessions in North America and the West Indies, Jan. 20th 1808; Cape of Good Hope, and the east coast of South America, March 1st 1808; India, May 1st 1808; China, and the coast of South America, June 1st 1808; and every vessel sailing on or after those days from those places respectively, shall be deemed and taken to have received notice of the aforesaid Order: and it is further ordered, That if any vessel shall sail within twenty days after the periods above assigned respectively, from any of the said places, in contravention of the said Order of the 11th Nov. instant, and shall be detained as prize on account thereof, or shall arrive at any port in this kingdom, destined to some port or place within the restriction of the said Order, and proof shall be made to the satisfaction of the court of admiralty, in which such vessel shall be proceeded against, in case the same shall be brought in as prize, that the loading of the said vessel had commenced before the said periods, and before information of the said Order had actually been received at the port of shipment, the said vessel, together with the goods so laden, shall be restored to the owner or owners thereof, and shall be permitted to proceed on her voyage, in such manner as if such vessel had sailed before the day so specified as aforesaid: and it is further ordered, That no proof shall be admitted, or be gone into, for the purpose of shewing that information of the said Order of the 11th Nov. instant had not been received at the said places respectively, at the several periods before assigned. And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty, and courts of vice admiralty, are to take the necessary measures herein as to them shall respectively appertain.

(Signed) W. FAWKENER.

ORDER in Council; establishing certain Regulations, as to Vessels clearing out from this Kingdom, with reference to the Order of the 11th of November instant.

At the Court at the Queen's Palace, the 25th Nov. 1807; present, the King's most excellent Majesty in Council.—Whereas his majesty, by his Order in council, dated 11th of Nov. instant, respecting the trade to be carried on with his majesty's enemies, was pleased to exempt from the restrictions of the said Order all vessels which shall have cleared out from any port or place in this kingdom, under such regulations as his majesty may think fit to prescribe, and shall be proceeding direct to the ports specified in the respective clearances: his majesty, taking into consideration the expediency of making such regulations, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, That all vessels belonging to countries not at war with his majesty, shall be permitted to lade in any port of the united kingdom any goods, being the produce or manufacture of his majesty's dominions, or East-India goods or prize goods (all such goods having been lawfully imported) and to clear out with, and freely to convey the same to any port or place in any colony in the West Indies or America, belonging to his majesty's enemies, such port or place not being in a state of actual blockade, subject to the payment of such duties as may, at the time when any such vessels may be cleared out, be due by law on the exportation of any such goods, or in respect of the same being destined to the ports of the colonies belonging to his majesty's enemies; and likewise to lade, clear out with, and convey as aforesaid, any articles of foreign produce or manufacture which shall have been lawfully imported into this kingdom, provided his majesty's licence shall have been previously obtained for so conveying such foreign produce or manufactures: and it is further ordered, That any vessel, belonging as aforesaid, shall be permitted to lade in any port of the united kingdom any goods, not being naval or military stores, which shall be of the growth, produce, or manufacture of this kingdom, or which shall have been lawfully imported, (save and except foreign sugar, coffee, wine, brandy, snuff, and cotton) and to clear out with, and freely to convey the same to any port, to be specified in the clearance, not being in a state of actual blockade, although the same shall be under the restrictions of the said Order; and likewise to lade, clear out, and convey foreign sugar, coffee, wine, brandy, snuff, and cotton, which shall have been lawfully imported, provided his majesty's licence shall have been previously obtained for the exportation and conveyance thereof: and it is hereby further ordered, That no vessel shall be permitted to clear out from any port or place in this kingdom, to any port or place of any country subjected to the restrictions of the said Order, with any goods which shall have been laden, after notice of the said Order, on board the vessel which shall have imported the same into this kingdom, without having first duly entered and landed the same in some port or place in this kingdom; and that no vessel shall be permitted to clear out from any port or place in this kingdom to any port or place whatever, with any goods, the produce or manufacture of any country subjected to the restrictions of the said Order, which shall have been laden, after notice as aforesaid, on board the vessel importing the same, without having so duly entered and landed the same, or with any goods whatever which shall have been laden after such notice in the vessel importing the same, in any port or place of any country subjected to the restrictions of the said Order, without having so duly entered and landed the same in some port or place in this kingdom, except the cargo shall consist wholly of flour, meal, grain, or any article or articles the produce of the soil of some country which is not subjected to the restrictions of the said Order, except cotton, and which shall have been imported in an unmanufactured state direct from such country into this kingdom, in a vessel belonging to the country from which such goods have been brought, and in which the same were grown and produced: and it is further ordered, That any vessel belonging to any country not at war with his majesty, may clear out from Guernsey, Jersey, or Man, to any port or place under the restrictions of the said Order, which shall be specified in the clearance, not being in a state of actual blockade, with such articles only, not being naval or military stores, as shall have been legally imported into such islands respectively, from any port or place in this kingdom direct; and with respect to all such articles as may have been imported into the said islands respectively, from any port or place under the restrictions of the said Order, it shall not be permitted to any vessel to clear out with the same from any of the said islands, except to some port or place in this kingdom. And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain. (Signed) W. FAWKENER.

ORDER in Council; establishing certain Regulations as to Vessels clearing out from the Ports of Gibraltar and Malta, with reference to the Order of the 11th Nov. instant.

At the Court at the Queen's Palace, the 25th Nov. 1807; present the King's most excellent Majesty in Council.—Whereas his majesty, by his Order in Council, dated the 11th Nov. instant, respecting the trade to be carried on with his majesty's enemies, was pleased to exempt from the restrictions of the said Order all vessels belonging to any country not at war with his majesty, together with their cargo, which shall be coming from any port or place in Europe which is declared in the said Order to be subject to the restrictions incident to a state of blockade, direct to some port or place in Europe belonging to his majesty; and also all vessels which shall be cleared out from Gibraltar or Malta under such regulations as his majesty may think fit to prescribe, and which shall be proceeding direct to the ports specified in their respective clearances: and whereas it is expedient to encourage the trade from Gibraltar and Malta to countries under the restrictions of the said Order, subject to regulations to be made in respect thereto: his majesty is therefore pleased to prescribe the following regulations in regard to such trade accordingly, and, by and with the advice of his privy council, to order, and it is hereby ordered, That all sorts of flour and meal, and all sorts of grain, tobacco, and any other article in an unmanufactured state, being the growth and produce of any country not being subjected by the said Order to the restrictions incident to a state of blockade (except cotton, and naval and military stores) which shall have been imported into Gibraltar or Malta, direct from the country where the same were grown and produced, shall, without any licence, be permitted to be cleared out to any port or place, not being in a state of actual blockade, without the same being compelled to be landed: but neither the said article of cotton, however imported, nor any article which is not the growth, produce, or manufacture of this kingdom, or which has not been imported in a British ship, or from this kingdom direct, (except fish), and which shall have been laden at the port of original shipment, after the period directed by an Order of this date to be taken as the time at which notice of the said Order of the 11th Nov. shall be considered as having been received at such port of shipment, shall be permitted to be exported from Gibraltar or Malta, except to some port or place in this kingdom: and all other articles of the growth, produce and manufacture of this kingdom, or which shall have been imported into Gibraltar or Malta in a British ship, or from some port or place in this kingdom, together with the article of fish, however imported, may be exported to any ports or places in the Mediterranean or Portugal, under such licence only as is hereinafter directed to be granted by the governor of Gibraltar and Malta respectively: and it is hereby further ordered, That licences be granted by the governors, lieutenant governors, or other persons having the chief civil command at Gibraltar or at Malta respectively, but in his majesty's name, to such person or persons as the said governors, lieutenant governors, or persons having the chief civil command shall think fit, allowing such person or persons to export from Gibraltar direct, to any port in the Mediterranean, or to any port of Portugal, or to any port of Spain without the Mediterranean, not further north than Cape Finisterre, and from Malta direct to any port being within the Mediterranean, with any articles of the produce or manufacture of his majesty's dominions; and any articles which shall have been imported into Gibraltar or Malta from this kingdom, to whomsoever such articles shall appear to belong (not being naval or military stores) in any vessel belonging to any country not at war with his majesty, or in any vessel not exceeding one hundred tons burthen, and being unarmed, belonging to the country to which such vessel shall be cleared out and going; and also to import in any such vessel or vessels as aforesaid, from any port within the Mediterranean, to Gibraltar or Malta, or from any port in Portugal or Spain as aforesaid, to Gibraltar, such port and such destination respectively to be specified in such licence, any articles of merchandize whatsoever and to whomsoever the same may appear to belong, such articles to be specified in the bill of lading of such vessel, subject however to such further regulations and restrictions with respect to all or any of the said articles so to be imported or, exported, as may be inserted in the said licences by the governors, lieutenant governors, or other persons having the chief civil command at Gibraltar or Malta for the time being respectively, as to them shall from time to time seem fit and expedient.—And it is further ordered, That in every such licence shall be inserted the names and residence of the person or persons to whom it shall be granted, the articles and their quantities permitted to be exported, the name and description of the vessel and of the master thereof, the port to which the vessel shall be allowed to go, which shall be some port not under actual blockade; and that no licence so to be granted, shall continue in force for longer than two months from its date, nor for more than one voyage, or any such licence be granted, or acknowledged to be valid, if granted, to permit the clearance of any vessel to any port which shall be actually blockaded by any naval force of his majesty, or of his allies.—And it is further ordered, That the commanders of his majesty's ships of war and privateers, and all others whom it may concern, shall suffer every such vessel sailing conformably to the permission given by this Order, or having any licence as aforesaid, to pass and repass direct between Gibraltar or Malta and such port as shall be specified in the licence, in such manner, and under such terms, regulations, and restrictions, as shall be expressed therein.—And it is further ordered, That in case any vessel so sailing as aforesaid, for which any such licence as aforesaid shall have been granted. and which shall be proceeding direct upon her said voyage, shall be detained and brought in for legal adjudication, such vessel, with her cargo, shall be forthwith released by the court of admiralty or vice admiralty, in which proceedings shall be commenced, upon proof being made that the parties had duly conformed to the terms, regulations, and restrictions of the said licence; the proof of such conformity to lie upon the person or persons claiming the benefit of this Order, or obtaining or using such licence, or claiming the benefit thereof.—And it is hereby further ordered, That no vessel belonging to any state on the coast of Barbary, shall be prevented from sailing with any articles of the growth or produce of such state, from any port or place in such state to any port or place in the Mediterranean or Portugal, such port or place not being actually blockaded by some naval force belonging to his majesty, or his allies, without being obliged to touch at Gibraltar or Malta.—And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty, and courts of vice admiralty, are to take the necessary measures herein as to them shall respectively appertain.

(Signed) W. FAWKENER.

ORDER in Council; respecting Enemies Produce and Manufacture on board British Ships.

At the Court at the Queen's Palace, the 25th Nov. 1807; present, the King's most excellent Majesty in Council.—Whereas his majesty, by his Order in Council of the 11th Nov. inst. was pleased to order and declare that all trade in articles which are of the produce or manufacture of the countries and colonies mentioned in the said order, shall be deemed and considered to be unlawful (except as is therein excepted): his majesty, by and with the advice of his privy council, is pleased to order and declare, and it is hereby ordered and declared, That nothing in the said Order contained shall extend to subject to capture and confiscation any articles of the produce and manufacture of the said countries and colonies, laden on board British ships, which would not have been subject to capture and confiscation if such Order had not been made. And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretary of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain.

(Signed) W. FAWKENER.

ORDER in Council; declaring that his Majesty's Orders of the 11th of Nov. shall not extend to permit the Produce of enemies Colonies in the West Indies to be brought direct to any British Port in Europe.

At the Court at Windsor, the 18th Dec. 1807; present, the King's most excellent Majesty in Council.—His majesty is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, That nothing in his majesty's Order in Council of the 11th of Nov. last, shall extend or be construed to extend, to permit any vessel to import any articles of the produce or manufacture of the enemy's colonies in the West Indies, direct from such colonies to any port of this kingdom: and it is further ordered, That all vessels which may arrive in the ports of this kingdom direct from the colonies aforesaid, shall nevertheless be released, upon proof being made that the charter-party or other agreement for the voyage was entered into before notice of this Order. And the right hon. the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and the courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain.

(Signed) WM. FAWKENER.

HOUSE OF LORDS.

Wednesday, January 27.

[CURATES' SUSPENSION BILL.] The Bishop of *Oxford* wished to call their lordships' attention to an act, that passed the legislature, at the close of the last session, in his opinion with too great hurry and precipitation. The act to which he alluded was the one which suspended the 36th of Geo. III. By the law, as it previously stood, augmented cures, under queen Anne's bounty, were considered as benefices, and therefore subject to the same restrictions. The act of the last session went to repeal this clause. Much inconvenience and injury to the rights and dignity of the church had followed. Many persons continued to possess themselves of the emoluments of those benefices, who were legally ousted; whilst others, properly presented and duly inducted, were prevented from the exercise of their professional functions, and deprived of those profits to which they were entitled in right of their appointment. The right reverend prelate, then moved, That a bill for the repeal of the Curates' Suspension bill be then read a first time.

The *Lord Chancellor* observed, that it was not his intention to oppose the principle of the bill proposed by the right rev. prelate. He wished to remind him of the peculiar way in which the house stood, with respect to this act of Suspension. At the close of the last session it was sent up from the house of commons, merely as a measure of temporary relief to the persons supposed to be aggrieved. It was then recommended to pass the present act, confining its operation to 40 days after the commencement of the next session of parliament. In that situation the house stood, as to the present bill, and he was only anxious to ascertain, whether the principle of the measure, and of the relief sought, would better be discussed upon the second reading of the bill, proposed by the right rev. prelate, or upon any new question to be brought forward on the expiration of the 40 days?

The Earl of *Lauderdale* thought it highly proper that the fullest time should be given to the persons standing in the unfortunate predicament which the act of the last session went to relieve.

The Duke of *Norfolk* expressed his inclination rather to support a farther suspension for 40 days, than that the persons seeking relief should be surprised by any premature hurrying of the present bill.—The bill was then read a first time.

[ORDERS IN COUNCIL.] Lord *Hawkesbury* laid upon the table the various Orders in Council with respect to the new commercial regulations, which, during the recess, his majesty's ministers had judged it proper to advise his majesty to put in force. [Copies of the said Orders will be found at p. 126.]

Lord *Auckland* declared himself in no ordinary degree anxious to learn from his majesty's ministers, their intentions with respect to the very serious and unprecedented importance of these Orders. He wished first to ascertain, whether it was their intention to make any motion, or institute any proceeding, tending to explain to that house, and to the public, the meaning and object of the measures determined by these Orders to be pursued? He felt solicitous to obtain this preliminary information, before he made a motion for some other documents, in his opinion, necessarily connected with the full explanation of these Orders in Council. It was impossible for him, or any man, when they contemplated the nature of the innovation made by these documents on the political and commercial interests of this country, and of the whole world, not to wish to hear from their framers the fullest, most perspicuous, and most speedy explanation of their meaning, import, object, and presumed effect. In seeking that explanation, any wish to embarrass his majesty's government was most foreign from his mind. He had given this subject a great deal of attention, he had bestowed much time on it, and called to his assistance persons experienced in the knowledge of that department to which these Orders referred, yet he professed to God, that he was still totally unable to ascertain their nature or drift, much less to divine the remotest possibility of interest or advantage likely to accrue to this country from their adoption. Notwithstanding the unintelligible manner in which these Orders appeared to him, he was still unable to suppress great and powerful feelings of alarm. He shuddered at the state of policy upon which this country was proceeding to act. Neither could he hide from his contemplation the danger of that precipice, to the verge of which it was so lamentably and so rapidly advancing. What was the ultimate object of the new commercial code, seemingly established by the joint consent of the governments of France and Great Britain? It was mutual destruction. It resembled the efforts of a set of persons, whose chief object was to starve each other, and who, to obtain their respective gratification, were all pursuing the means of insuring the inevitable starvation of themselves. Such conduct could only be compared to the insanity of maniacs, who cutting each other with knives across the veins, disregarded the positive injury that each individually received, and were only satisfied in consummating the destruction of them all. This was a dreadful state of things, and required on the part of their lordships, the utmost circumspection, before they gave their concurrence to the measures which tended to promote it. For his part, although the encouragement came from the most dignified and exalted source, he could not so far, in compliance with it, look upon the dangers of the country, either unappalled or undismayed. The news of that day, as connected with our relations with America, was replete with melancholy reflections. It was to him the source of very deep regret, stronger than he had, in the course of his political life, on any previous event, ever felt. He had still the personal gratification to review the line of conduct which he, and those with whom he had acted, had made it their duty to adopt towards America: conduct, that if persisted in, would have produced between those two countries the strongest bonds of friendship and alliance, without any surrender of the rights or any compromise of the honour and character of Great Britain. He again impressed upon ministers the necessity of an explicit and prompt avowal of the objects and meaning of these documents. In order to understand them, it was, in his opinion, absolutely necessary that a copy of the Declaration, signed by himself, and a noble friend of his (lord Holland) as plenipotentiaries of the British government, on the 21st of Dec. 1806, and handed by them to the plenipotentiaries of the United States, should be produced for the consideration of that house. These Orders in Council arose from, and were actually founded upon, that Declaration. Indeed, there was another document, the source and origin of all the subsequent regulations; but he was at present at a loss to know in what way or form such a paper could be introduced before their lordships, he meant the Decree of the French Government, dated the 7th of Nov. 1806. Previous to his offering any motion for those papers, particularly for the copy of the Declaration of the 21st of Dec. 1806, he wished to hear from the noble secretary of state, whether he had any objections to their production, and if so, what they were?

Lord *Hawkesbury* assured his noble friend, that it was the wish of his majesty's government to afford to parliament the fullest information, consistent with their public duties, and to submit the whole of those Orders and regulations to the most ample and accurate discussion. In what way, or by the adoption of what proceeding, in the present stage of that subject, he was not prepared to propose. It had occurred to him, that as those papers were presented in another place, and were likely to be put in such a train of procedure as must in due time be submitted for the consideration of their lordships, the most desirable mode was, to await that period, under the probable hope, that the most beneficial effects would arise from suspending the discussion until brought forward in that shape, when if approved, their passing into law would immediately follow the discussion. However, it was competent for the noble lords on the opposite side to institute any other proceeding more compatible with their view of the case, and calculated to produce that investigation from which neither he nor his colleagues were in any degree inclined to shrink. With respect to the question put to him by his noble friend, he could only say, that the objection he felt to the production of the papers alluded to, arose solely out of considerations of form. The Declaration of the 21st Dec. had been the subject of much observation. It was much spoken of in public, and had experienced a good deal of notoriety, but as it was an appendix to a treaty never laid before that house, it was, in his view, out of the course of all form to produce it in a separate character. Not less so was the French Decree: government had got it in a way which all late administrations had considered official. It was received by them, inserted in a paper which stated itself to be the official register of the edicts of that government, namely, the Moniteur. At the same time, he could not see in what manner such a document could be brought before parliament. At all events, he was willing, with the consent of the noble lord, to suspend his ultimate answer for a short period, until he considered more maturely the grounds of the objections which then presented themselves to his mind.

Lord *Holland* thought, that though there was no official copy of the French Decree, yet that there might be some document received officially from the minister of a neutral power containing an explanation given by the French government, as to the objects of its Decree, and the intended mode of carrying it into effect. He wished to know whether there existed such a document?

Earl ***Bathurst*** said, there was no official communication upon this subject. He denied that the Orders in Council would have the effect inferred by the noble lord (Auckland), or had any such tendency.

Lord ***Grenville*** said, that what had been urged by the noble earl was an additional reason why further information should be laid before the house. He was not wholly unversed in such subjects, but with all the attention he could give them, he could not thoroughly understand their meaning or object. It could not be supposed that it was the object of those who framed them totally to destroy the commerce of this country, and yet, on reading over the Orders it would be difficult to discover that any other effect could be produced from them than the total destruction of that commerce. Were they to understand that, with a subject of this immense magnitude before them, they were to wait for three or four weeks until they received their lesson from the other house, before they obtained any further information, and before ministers explained to that house what their intentions and views were in advising the issuing of such orders? Were they to understand that ministers, after advising Orders in Council, which were a violation of the law of the land; after giving advice to the crown, which no ministers had ventured to give since the reign of James II.; when that monarch was advised that he had a power to dispense with the laws of the country; after doing what was a gross and flagrant violation of the law of nations, and of the municipal law; were they to understand that ministers did not intend to come to parliament for indemnity, or to explain the motives and reasons of their conduct? He thought that not an instant should be lost in obtaining full information, and coming to the discussion of the measure.

Lord ***Hawkesbury*** said, that there might have been, in some instances, connected with the Orders in Council, a literal violation of law, but the Orders themselves in their great object and views, were neither a violation of the law of nations, nor the municipal law of the land. As to any question of indemnity, if any should be thought necessary, the reasons for asking it would be stated at the time of proposing it. It was, however, competent to any noble lord to bring forward a question upon the subject, which would be met by his majesty's ministers.

Lord ***Holland*** thought the noble lord had treated very lightly the idea of a violation of the law. He repeated his question with respect to the existence of any document of the nature he before alluded to, observing that it was understood some explanation of the French decree had been given to general Armstrong, the American minister at Paris.—No answer being given,

Lord ***Grenville*** urged the same question, and asked whether it was to be understood that ministers refused to give any information upon this point?

Lord ***Hawkesbury*** said, that no official communication had been received in the shape alluded to by the noble lord.—The intended motion of lord Auckland, for papers, was then withdrawn.

HOUSE OF COMMONS.

Wednesday, January 27.

[MINUTES.] Several Election petitions were presented, and ordered to be taken into consideration on the following days respectively: Saltash, on the right, and Saltash double return, on the same days as former petitions of a similar description from that borough. Bridgewater, March 17. Westminster, March 22. Christchurch; and Dungarvan, March 29. Newry, March 31.

[ORDERS IN COUNCIL.] Lord ***H. Petty*** rose to put a question to the right hon. the chancellor of the exchequer. That right hon. gent. had fixed a day for referring the Orders in Council presented yesterday to the committee of ways and means, but he had not stated on what day he proposed to move for leave to bring in the bill of Indemnity, which he had stated his intention to bring forward for certain acts done by ministers under these Orders in Council. It was desirable that the house should be apprised of the day on which this question would be brought forward, because, whenever it should be under discussion, the house would have to consider it in two points of view; first, whether the immediate necessity was such as to intitle his majesty's ministers to the indemnity they claimed, and, in the event of its being so considered, whether that necessity was sufficient to cover all the violations of law committed by them, in and under the Orders in Council?

The ***Chancellor of the Exchequer*** did not know what answer to give to the noble lord, because he could not collect what was the object of his inquiry. He had undoubtedly given notice, that he should, on Wednesday, move to refer the Orders in Council to a committee of ways and means; he had certainly declared, that it was not his intention to propose any bill of Indemnity for issuing the Orders in Council, because he was persuaded there was no illegality in the transaction. But there had been some measures resorted to in consequence of these Orders in Council, which required indemnity from parliament for those who had been concerned in advising and acting upon them. It was not an unusual proceeding to issue Orders in Council concerning matters, and he would beg of the noble lord to restrain his judgment till he should know more fully the nature of those proceedings for which it was proposed to apply for a bill of Indemnity. One of those was a measure adopted respecting goods imported on the occasion from Portugal. From the hurry in which British subjects had brought themselves and their goods away from Portugal, it was found impossible to provide native shipping. They took advantage of neutrals to convey themselves and their property to Great Britain. It was thought but just to issue orders to the officers of the customs to permit those goods to be landed, and, as by the navigation laws they could not be legally imported, except in British ships or Portuguese vessels, it became therefore necessary to get an indemnity for the transaction. This was one of the measures which required that an act of indemnity should be applied for, and he trusted the house would be of opinion, that it was a case which intitled the persons concerned to protection. Again he had to repeat, that the Orders in Council were not contrary to law, and did not consequently require any bill of Indemnity.

Lord *H. Petty* apologized to the right hon. gent. for not having more distinctly put his question. He however did learn from the explanation given by that right hon. gent. that it was not his intention to move for an act of Indemnity to cover the illegality of any of the Orders in Council.

The *Chancellor of the Exchequer* again repeated, that he had never stated any intention to bring in a bill of Indemnity for the Orders in Council, because they involved no violation of law, and could not consequently require any indemnification for the parties who had advised them. What he had stated was, that certain measures had been adopted under these Orders in Council which required indemnity, and it was for those measures that the bill he proposed to bring in was to indemnify the persons who had any share in them.

HOUSE OF LORDS.

Thursday, January 28.

[Vote of Thanks—Expedition to Copenhagen.] Lord *Hawkesbury* said, he rose in pursuance of notice, to move a Vote of Thanks to the Officers employed in the expedition to Copenhagen, and in doing so he thought it would be only necessary to detain their lordships for a short time. This motion, he would premise, had no relation to the policy of that attack, it merely related to the execution of the service upon which that expedition was sent; and, were that expedition as unjust and unnecessary, as he thought it just and necessary, or as impolitic and unwise, as he thought it politic and wise, still he would contend that that would be no ground of opposition to a Vote of Thanks to those who had so ably and skilfully executed the services which that expedition required. In this case, he would put out of consideration the policy of the expedition, and confine himself to the manner in which its purpose had been carried into effect. The object of that expedition was undoubtedly of great magnitude and importance; that object was obtained by the skill and ability of the officers employed. The circumstances attending it were shortly these: In April last a large force was ordered to be prepared for the general purposes of the war, a part of which was subsequently sent to co-operate with the troops in Swedish Pomerania. When his majesty's government afterwards received intelligence of the circumstances attending the Treaty of Tilset, it was deemed adviseable to send a large force to Copenhagen, for the purpose of securing the Danish fleet, and preventing it from being used against this country. This force was got ready and sailed with the utmost promptitude, with a minister on board to negociate with the Danish court, and thereby prevent, if possible, the painful necessity of resorting to arms.

A junction was to be formed with the troops in Pomerania, the commander of which was to take the command of the whole. This necessarily took up much time, notwithstanding which, the fleet was off Copenhagen on the 8th of August. The attempts to induce the Danes peaceably to deliver up their fleet, having failed, the disembarkation of the troops commenced on the 16th. This necessarily took up some time, and was not completed till the 22nd or 23rd. It was effected without opposition, but when disembarked, our troops had to contend with between 30 and 40,000 men in arms, besides the peasantry. Even then, another attempt was made to prevent an appeal to arms, but this also having failed, approaches were made against Copenhagen. The command of the army in the field was given to an hon. friend of his, major-general sir Arthur Wellesley, who upon that occasion displayed all that energy, zeal, and ability, which so conspicuously marked his conduct upon every occasion. On the 1st of Sept. the bombardment commenced, and on the 7th a capitulation was signed; thus, in a period of 14 or 15 days the whole object of the expedition was completed. It was under these circumstances that he called upon the house for a Vote of Thanks. He was perfectly ready to admit that so exalted an honour as the thanks of Parliament, ought not to be made too common, but ought to be reserved for great occasions. He contended, however, that if in this case the magnitude and importance of the object attained was considered, and the skill and ability displayed in the means by which it was attained, it must be deemed one of those instances which highly deserved the thanks of that house, nor did he see on what ground it could be opposed. He did not think it would be contended, that it was only the greater quantity of blood shed in an action, that entitled the commander to thanks, as, on the contrary, thanks were rather due to a commander who, by skilful and judicious dispositions, prevented the effusion of blood. He, therefore, relied confidently on the disposition of the house to agree to a Vote of Thanks in this instance. He could not conclude without adverting to the promptitude and rapidity with which the Danish ships were fitted and brought away, and the stores put on board. His lordship concluded by moving the Thanks of the house to lieut. gen. lord viscount Cathcart, knight of the thistle, for the judicious and decisive measures, which, after exhausting every means of negociation, were employed by him for effectuating the surrender of the Danish Navy and Arsenal of Copenhagen.

Lord *Holland* rose to perform, what he felt to be a most painful duty, for painful certainly it was to him to refuse his assent to a motion of the nature of that made by the noble secretary of state. But as a member of that house he thought it incumbent on him to support its dignity, and not to allow the highest honour it could confer on distinguished merit, to become a matter of course, and to sink into a mere compliment. These were his grounds for his opposition to the motion, and he did not imagine that any man would think so meanly of him as to suppose that his vote on such an occasion could be prompted by any personal dislike to the officers in whose favour the motion had been made. Far was any such feeling from his breast; what acquaintance he had with these noble officers was, indeed, but slender, but it was enough to fill him with esteem for their private character and professional merits. He perfectly agreed with the noble secretary in the propriety of separating the merits of the present motion from the question of the political principles upon which the expedition had been undertaken, and he would endeavour to observe that distinction. What he should offer was on the nature of the service itself, and on the claim it had to the distinction which it was proposed to bestow upon it. The noble secretary of state had dwelt much on the importance of the service, and on the skill, judgment, and promptitude, with which it was performed. As to the importance of the expedition, another opportunity would occur to deliver his opinion of it; but, in the circumstances that attended the execution of it, he could see nothing that was entitled to the honour of the thanks of that house. Granting that service was important; granting that it had been performed with the utmost ability, yet these circumstances alone were not of a nature to challenge and justify so high a distinction. Where was the danger, where the difficulties that were to be encountered and overcome in the performance of that service? Had it in it any of those brilliant traits that excite admiration and command respect? Had it in it any thing that redounded to the glory of the country, or to render its name and character more respected and memorable? In better times, many of the important victories gained by the duke of Marlborough, during the wars of the succession, were passed over without such a distinction, which was only bestowed upon the more splendid achievements of that great general; and latterly, the taking of the litttle town of Bastia procured for lord Hood the thanks of that house, although the same honour was not paid him for the capture of Toulon, and of the French fleet in that port. It was not, therefore, the magnitude and importance of the service that always justified the granting of this honour, but rather the circumstances of difficulty and danger through which it was accomplished. It was in this point of view that he objected to a vote of thanks in the present instance. Had it been proposed only to thank the army, he might, although in some measure objecting to it on the grounds before stated, have been induced to give it no opposition; but when it was proposed also to thank the navy employed in this expedition, he felt himself compelled to oppose it, because there was no opportunity for the display of naval skill. He could not sufficiently impress upon the house the great importance of not rendering the high and peculiar honour of the thanks of parliament too common: in order to preserve its value it ought to be reserved for great occasions, for brilliant exploits and splended victories, as in the Roman republic triumphs were never granted but for the most splendid achievements. In the present instance, he thought there were not opportunities given for the display of those qualities, the exercise of which ought to entitle officers to the thanks of parliament; and therefore, viewing the question as he did, entirely upon public principles, he felt himself painfully and reluctantly compelled to oppose the motion.

The Earl of *Moira* said, that it was with great regret he felt himself under the necessity of differing from his noble friend. He approved of the manner in which the noble secretary had introduced the motion. Nothing could have been more improper than to have connected it with the political expediency of the attack upon Copenhagen. It would have been highly improper, if the troops employed on any occasion should exercise their judgment as to the propriety of the object. The troops which were sent to Copenhagen went there, under the impression that they were going to combat for the honour and interests of their country. The only question, therefore, which could properly be taken into consideration by the house was, whether they had well performed the duty assigned to them. If that duty was well performed, it would not become the house to refuse their thanks. His lordship was satisfied in his own mind, that every person engaged in that expedition had done his duty, and therefore he would give his cordial support to the motion.

Lord *Auckland,* although no man more deprecated the deviation of this country from the sanctioned principles of moral and national justice, was still willing to give his vote of approbation for the energy, promptitude, zeal, and humanity, with which the officers who commanded, had executed that sad and melancholy service.

The Earl of *Mulgrave* contended, that the manner in which the service was executed amply deserved the thanks of parliament. With respect to thanks not being voted to lord Hood, for obtaining possession of Toulon and the French fleet in that harbour, there was in that instance no opportunity for the display of naval or military skill, the town having been delivered up to that noble lord whilst he was blockading the port, by one of the contending factions in that place which had obtained the ascendancy. He could not admit that valour alone was a ground for voting the thanks of parliament; were that the case, not a week would pass over his head in the situation which he had the honour to hold, but he should have to call for the thanks of parliament for exploits of the greatest bravery. It was, he contended, the eminent display of skill and science, combined with the magnitude and importance of the object, that more peculiarly deserved that high honour. In the attack upon Copenhagen skill and science had eminently been displayed in the dispositions made for the attainment of the desired object. The noble lord (Holland) seemed to think it possible, that he might have been induced to consent to a vote of thanks to the army, but objected to one to the navy. He could not, however, see upon what ground any such distinction could be made. The most skilful dispositions were made by lord Gambier in the distribution of the fleet under his command; that part of it entrusted to rear-admiral Keats, was extended for 200 miles, and had for its object to cut off the communication between

Zealand and the continent. By this means the Danish army in Holstein were prevented from passing into Zealand, which, had they been enabled to do, the great object of the expedition might have been of doubtful attainment; at all events, it must have been rendered a service of difficulty and danger. The skill, therefore, he contended, of admiral lord Gambier, had been conspicuously manifested; but in any case, when the army and navy were conjointly employed, to vote thanks to one and not to the other, could tend to no possible good; on the contrary, it must tend to excite a jealousy between the two branches of our forces. It had, besides, always been the practice to unite them in votes of thanks, where they were jointly employed.

Earl *Grey* (late lord Howick) rose and addressed the house for the first time. He observed, that no one felt more strongly than he did the propriety of abstaining from any discussion of the general measure on this occasion. Nothing could be more unbecoming a man than to mix any party feelings with the question. The manner in which the debate had been conducted afforded an example, that it was possible to discuss a subject arising out of a great political question, without introducing invidious or personal observation. He rose for the purpose rather of expressing his approbation of the principles laid down by his noble friend (lord Holland), than in the hope of adding any thing to the arguments by which they were supported. They, as his arguments in general were, were unanswerable. To the conduct of the expedition, or to the merits of the officers employed, he had nothing to object. They had done all that was expected or required of them, and they would have done more if more had been required. What he, as well as his noble friend, contended for was, that the object of the expedition to the Baltic was neither of sufficient magnitude, nor attended with sufficient difficulty, to entitle those engaged in it to the thanks of that house. He could by no means accede to the principle laid down by the noble secretary of state, that the magnitude of an object was of itself sufficient grounds for the approbation of parliament. Suppose a Russian fleet, greater than that of Denmark, in a British port, and that orders were sent down to the port admiral to take possession of it, was he to receive the thanks of parliament because he had so disposed the men of war under his command, as to prevent the enemy from getting out, and consequently surrendering? This no man would say was an occasion worthy of such a high honour. When the two cases united; when magnitude of object was combined with difficulty of enterprise—these, indeed, were fit subjects for parliamentary honours. It was far from his intention to detract in the smallest degree from the merits of the officers engaged in the expedition to Copenhagen. They had nothing to do with the justice or injustice of the service in which they were employed. The only question was, whether they had done their duty, and whether that duty was a fit object for the thanks of that house. But, would it be said, that the services performed, and particularly by the navy, were of that character? There were frequent instances of large fleets undergoing great privations for weeks, nay for months, and yet he never heard that such services obtained the thanks of parliament. As to any difficulty in the enterprize, the house had the authority of ministers that there was none. Had they not said, in one of their declarations, or proclamations, that they sent such a force into the Baltic as rendered any resistance impossible? It was most painful for him, rising as he did for the first time in that house, to oppose the motion. He did it, however, on public grounds. He would again repeat, that he had no fault to find with the conduct of the expedition; but he did not think that it was of that importance, or that it was attended with that danger or difficulty, which entitled those who were employed in it to the thanks of that house.

The Resolution was then put and carried. After which, a discussion took place on that part of the Resolution, which thanked adm. Gambier for fitting out the Danish navy. It was opposed by the duke of Norfolk, earls Grey and Lauderdale, and lord Holland; and supported by lords Mulgrave and Hawkesbury; and carried in the affirmative. Resolutions to the subordinate officers, and to the troops and sailors employed, similar to those passed this day in the house of commons, were also agreed to.

HOUSE OF COMMONS.

Thursday, January 28.

[AMERICAN TREATY BILL.] Mr. *Rose* moved the order of the day, for going into a committee on the Act of last session regulating the Trade between this country and the United States of America.

Mr. *Eden* regarded this motion with pleasure, so far as it went to prove a disposition to conciliate and maintain good will and amity with the American States; and it gave him still farther satisfaction, inasmuch as it seemed to indicate a hope on the part of his majesty's ministers, that the existing differences would be reconciled and done away. He was however, surprised, under the circumstances now existing in America, to find the provisions of the act of 1797, made to carry into effect the Treaty of commerce and amity with the United States, now proposed for renewal, without any reserve or modification. If the right hon. gent. would look to the preamble of the act, he would find that it was framed on the principle of a reciprocal freedom of commerce between the two countries. But now, when the non-importation act was renewed by the American legislature in all its strictness, and when an embargo was laid in the American ports, was it a time for Great Britain to renew without reserve, all the indulgences of the periods of most amicable relation. The act now in existence had five weeks of its period still to run; was it not proper to pause, at least for a part of that time, in order to ascertain whether the arrival of our envoy extraordinary in America, and the arrival of the intelligence, that must have nearly at the same time been received, of the unjust proceedings of France, might not, on more mature consideration, have taught the American government to adopt a more wise and moderate system of conduct? If the embargo should be taken off, and the Non-importation act repealed, his objections would no longer exist. But if the American government should be so unreasonable as to overlook the outrages of France, and to require from us concessions beyond all reason, a very different course would become us. Another reason why he was averse to the renewal of the act, was the refusal of the American government to ratify the treaty concluded last year. Many of the provisions of the act were incorporated in that treaty, and when the American government refused to accept them in the shape of a national covenant, why should we grant them, without any reciprocal consideration, in the shape of an act of parliament?

Mr. *Rose* said, the object of the measure he proposed to renew, was to continue the provisions of the act of 1794, in consequence of the failure or omission of making an arrangement under the 12th article of the treaty of 1797, in the time stipulated. In consequence of that omission, it became necessary to pass the Intercourse act of last session, to prevent the trade with the United States from falling to the ground. That act would expire in about four weeks. It would take three weeks to pass a bill to renew it, and therefore no time was to be lost. If America had precipitately taken measures hostile to this country, it became us to show an example of the dignity and moderation, that became a great and upright nation. He hoped America would profit by so instructive an example, and if she should not, he should still find a satisfaction in thinking, that this country had erred rather on the side of forbearance and deliberation than of anger and precipitancy. His hon. friend should be aware, that under the provisions of the Navigation act no American vessel could enter the ports of this country, unless special provision were made by act of parliament to that effect. To make that provision was one of the objects of the measure now proposed. There was no reason why American ships should be excluded from bringing the produce of their country to our ports, any more than the ships of any other nation. As to giving a power to the king and council, why should that be done by the king and council, which could be done by the legislature, particularly at a time when parliament was sitting? He proposed to limit the duration of the bill to the period of the present session of parliament, with a power to repeal or alter it at any time that it might be thought necessary. Some regulation was indispensably necessary, and this measure was the most reasonable that he could think of.—The house then went into the committee. After which, leave was given to bring in a bill to continue the acts passed for carrying into effect the Treaty of Commerce and Amity between his majesty and the United States of America.

[VOTE OF THANKS.—EXPEDITION TO COPENHAGEN.] Lord *Castlereagh* rose, pursuant to notice, to call the attention of the house to the late services of his maty's army and navy in the Baltic. Whatever difference of opinion there might be as to the political character of the Expedition in this house, he flattered himself that no difference would exist on the proposition he was about to submit. It had always been the custom to consider the services rendered by his majesty's army and navy in carrying into effect the orders with which they were entrusted, distinctly and separately from the merits of the policy by which his majesty's ministers were actuated in issuing those orders. This being the established custom, he should certainly not be the first to deviate from so wise and proper a practice. It was a justice due to the army and the navy, who were never called upon to decide as to the propriety or impropriety, nor to mix their conduct with that of those by whose impulse they acted, and who alone were responsible for the prudence, justice, wisdom, and policy of the plans they directed to be carried into execution. It was, therefore, due to the army and navy to look only to the execution, which was the distinct service that fell to their charge. But it was not to the army and navy alone that this distinct consideration now was a point of justice, but also to the gentlemen in the house who might differ from his majesty's ministers as to the propriety of the plans that might be carried into effect. Those gentlemen would naturally wish to bear testimony, as warmly as any others, to the meritorious conduct of his majesty's army and navy; but they would find difficulty in doing so with satisfaction, if the merits of the army and the navy were not submitted in a shape wholly distinct from the conduct of ministers. The only question that could be entertained on the particular service for which he proposed to ask the thanks of the house was, whether, taking the whole character of the achievement, the difficulties that were overcome, and the manner of surmounting them, the conduct of the army and navy in the whole of the proceedings was such, as to call for the greatest reward a grateful nation could bestow—the thanks of the country by the organ of its representative body. He submitted this motion, with a full consideration of the jealousy with which parliament ought always to guard against giving the distinguished sanction of its approbation to services, not of an amount sufficient to entitle them to this high reward. With respect to the nature and amount of the service performed at Copenhagen, there could be but one opinion as to its being of the highest importance. Whether the magnitude of the object that called forth the exertion, the extent of the means employed, or the result of the enterprise was considered, there would hardly be found in the history of this country, an enterprise in which the exertion of naval and military skill and power had been put forth with so much energy and effect. He allowed the exceptions which the hon. gentlemen opposite had to the expedition, in a moral and political point of view, might in their eyes take from the value of the service rendered to the country. But, so large a naval force not only rescued from the hands of the enemy, but added to our own naval power, could not surely be considered in any other light than as an accession of strength that called for a just tribute of approbation and acknowledgment to those by whom it was obtained. It was a more natural question to examine whether the difficulties opposed to our force were of such a nature and amount as to constitute a claim to a very high degree of credit for having overcome them, and on this head he conceived that he observed a sort of scepticism on the other side, and to some, though not any considerable extent, out of doors. It was argued by those persons, that the operation had been so easy, so simple, so little attended with opposition or difficulty, that the army and navy were not entitled for its accomplishment, to that mode of thanks which, on other occasions, it was usual to bestow on them. He, however, knew well, that there had been difficulties of very serious magnitude to overcome. It was certain, that his majesty's ministers, when they had been determined on the painful duty of undertaking this expedition, at a very critical conjuncture, had at the same time, felt it incumbent on them to prepare such a force, as, by taking away all hope of effectual resistance, would force Denmark to a quiet submission to the demands made in his majesty's name, or enforce compliance, with the least possible loss to his majesty's forces and to the Danes, whose blood it was equally a matter of desire and of feeling to spare. On this principle, the force that was already in the Baltic for the purpose of co-operating with the king of Sweden, was ordered to meet the force that was sent directly from this country, and never, certainly, did a more efficient army appear in any part of the world to assert the cause of this country. Now, as to the opposition this army had to encounter, it was death as in the engagements of great fleets and armies; yet these cases were not considered of sufficient magnitude to call for the thanks of parliament. It was also beyond a question, that there was greater merit in effecting a judicious retreat before a superior enemy, than in hazarding a battle under every prospect of defeat. The sanction of the approbation of parliament would be particularly called for in such a case to rescue merit from ignorant censure. Success was no criterion in point of justice, but in point of practice it was; and it was only as the emanation of national exultation, upon great success and great public service, that the thanks of parliament ought properly to be regarded. We should be able to say, 'this is a subject on which every heart gives a loose to joy; this is the expression of the general feeling, and the triumph is made manifest by the grateful acknowledgments of the legislature.' But who could say that the present was a case in which every heart exulted? This was not a case similar to that in which British troops had conquered the conquerors of the world; where those who had assumed the title of invincible were met without any advantage of numbers, man to man, and yielded to the superiority of British prowess. That, indeed, was a triumph on which every British bosom exulted; that was a triumph worth fifty navies of Denmark. But this was not the feeling on which his majesty's ministers acted, any more than those self-erected tribunals, formed probably at first upon good intentions, but threatening to become in the end a most serious mischief to the country,—who while they think but little of Battles of Maida, the sources only of national glory, know no bounds to their exultation on any measures which promise to open a source of commercial speculation; who set themselves up, not merely as the rivals, but as the opponents, of the king's tribunals; who acquit where those condemn; who cry up to the skies those whom the others have pronounced to be offenders; who set at nought the rules by which his majesty means his service to be governed; who teach an officer to say, 'no matter what 'my profession thinks or what the king's 'courts decide, I have other resources to 'trust to, I have other cards in hand; ''King loses, Knave wins;' If I am a culprit 'at Portsmouth, I may still be what is much 'better, a hero at Lloyds.' The noble lord was, no doubt, thoroughly satisfied of the general exultation of the country, at the success of the expedition; but the pain he afterwards expressed himself to have felt arrested his assertion, and did more justice to his disposition and principles. If pain was to make part of the sensations excited, the joy could not be very complete. It was not in fact, nor ought to be, that unmixed effusion which we witness in the country on any of those occasions which really and truly and as it were by acclamation, call forth the thanks of this house, but that sort of sober, chastised, subdued joy, if joy was to be felt at all, which a father would feel on hearing that his son's life was safe, but saved by an operation which was to leave him a sufferer and a cripple all the rest of his days. It was not in this state of mind, nor for successes of this description, that a nation indulged in public rejoicings, or poured forth its acknowledgments to those by whom these successes had been obtained, however meritorious, individually, their conduct might have been. National thanks implied national rejoicing; and national rejoicing did not belong to the present occasion. It was on this principle that he heard with pain and disgust the firing of the Park and Tower guns, on the day when the news arrived. It was a call for exultation on an occasion, where sorrow for the necessity of using force, and sympathy for the sufferings brought upon the Danes, was in the mouths of his majesty's ministers, and in the hearts of the British people. It was not merely a want of propriety that was to be complained of in such an injudicious demonstration, but want of policy, as we might yet have to suffer a severe penalty from the wrath of an exasperated people. However strikingly meritorious, therefore, the conduct of the army and navy might have been, they must have been content, on this as on so many other occasions, to remain without that last and highest reward, the thanks of this house. If neither the practice nor policy of the country would admit of such reward being given in the present instance, if according to the practice, generally, if not invariably observed, such an expression of the public gratitude would imply sentiments, which the country neither did nor ought to feel, and which it would be in the highest degree injurious both to its character and to its interests, to be supposed to feel, the army and navy could not complain, though a reward was withheld, which they themselves must be conscious of having equally deserved, as far as their own merit was concerned, in a thousand instances where yet it was never at all in their contemplation. All this, supposing the service to be of as high a character as he had been hitherto willing to take for granted; but he was prepared to go the length of saying, that as a mere military and naval proceeding, the service was not one entitled to the thanks of the house. The army and navy did all they could; but what was done did not deserve the thanks of the house. The noble lord was checked at times in the merit he was dealing out to the army and navy, lest he should take too much from himself and his colleagues: on the other hand, he did not well know how to praise himself and them, without cutting up the foundation of what he was to say of the two services. He was at a loss whether to take it in meal or in malt. Then the noble lord seemed to think the glory belonged to the transport and victualling boards, and thus while these boards did the service the army and navy were thanked. The fitting out and bringing away ships was certainly a service, but it was a service of labour, such as might be performed at Portsmouth or Plymouth, as well as at Copenhagen. At this rate, public thanks and rewards might be given at one end of an expedition as well as at the other, at the out-fit not less than at the conclusion. Yet he had never heard of a commissioner of a dock-yard who had been made a peer; nor of a master attendant who had a red ribband. In other cases, the titles of the honoured commanders had been taken from the scene of action; such were the titles of earl St. Vincent, lord Nelson of the Nile, and lord Duncan of Camperdown. Was a similar reference to be made in the case in question, the title might perhaps be appropriate enough, Copenhagen seeming to signify, according to its etymology, "the harbour of merchants and traders," but he did not conceive that any one would be much disposed to contend, that the assumption would be very desirable in the present instance. A yet stronger criterion was the omission of what had been usual on all occasions to which this pretended to be similar, the striking a medal to commemorate the service. In the name of ridicule and common sense, what would have been the emblems that such a medal must have contained? Instead of masts falling, ships exploding, actions yard-arm and yard-arm, we must have had nothing but men employed in rolling tar barrels, or working cranes, packages of hemp, lighters and wherries with spars in tow; a scene, in short, for Tower wharf or the West India docks.--The noble lord said, it had not been judged prudent to bring the British fleet to act against the batteries of Copenhagen, and that was the reason why the ships were not more actively employed; then came the commissioners of victualling, then the extraordinary preparation to prevent the Danes from being prepared to meet us with adequate resistance, then the great amount of the Danish preparations, and then the merit of the Transport Board. Thus, what the noble lord gave with one hand he took away with the other. Government sent a force sufficient to render resistance unavailing; and in this principle they were right; then came the difficulties to be conquered and the resistance which it was such a merit to have overcame. Then the noble lord said a force had been collected which was sufficient to render success difficult and doubtful, and this laid the foundation for a compliment to the skill of the commander. It was not to be doubted, that the zeal of the Danish inhabitants led them to do every thing that could be expected from them: but they were not a force of such a description, as an officer bred to regular warfare would take credit to himself for having overcome. He thought it a thing to be deprecated that in the midst of the services every day passing, any glory should be taken from the reduction of Copenhagen. The fact was, the city was reduced by the distress brought on it by the bombardment. He did not condemn the bombardment as a means of reducing the town, if the town was to be reduced, but he did not think it a foundation on which to build a structure of glory.—On these grounds, considering the question as entirely distinct from the conduct of his majesty's ministers, he did not think the service deserving the thanks of the house. To bestow such a reward where it was not deserved, was to undervalue and degrade the reward itself. It would have the effect of diminishing the estimation of it, where it had been already given, and to sink the ambition to seek it in future. He again lamented the marks of exultation so improperly displayed, by way of contrast, he supposed, to the actual sorrow that prevailed. He also lamented, however high his personal respect for the individuals, the grant of the peerage to lord Cathcart and lord Gambier. He had the pleasure of knowing and living in some degree on terms of friendly intercourse with both, and had a high esteem for their characters, both in their profession and out of it. Lord Cathcart was a soldier, the son of a soldier, and the father of soldiers, and had served meritoriously in the army ever since the American war; and lord Gambier, though but little employed for many years in active service at sea, was remembered as a sharer in the memorable victory of lord Howe on the 1st of June, and as having contrived to distinguish himself, so far as a single captain could, in that distinguished action. Still he thought the services performed by them on this occasion did not warrant that exertion of the prerogative in their favour, and he highly blamed his majesty's ministers for advising their sovereign to grant these honours, and for proposing these thanks. If any thing should be kept distinct from party feeling, it was the granting of these naval and military rewards, without any other motive than the consideration of mere military merit. Would the honours bestowed on these officers acquit the noble lord of the censure that would attach to the nature of the expedition? Would it not rather be concluded, that being granted with that view, they only served to aggravate the greater and weightier offence which had been already committed? This sort of grant was an instance of the worst species of ministerial corruption, in as much as it went to the destruction of that fund of honorary rewards, in which the poorest man in the country, if the case were properly explained to him, or even without any explanation, on the pure impulse of feeling, would be sensible that his interest was more materially involved and affected, than in the most wasteful expenditure of the produce of the taxes. A pension if unworthily bestowed on one, would remain a recompence of no less value for another; but a title of honour, or a vote of thanks, would sink in value, both as to the past and the future, upon every misapplication that the granting of either was subjected to. The house was now called upon by lavishing rewards to cast a false lustre on an act of doubtful justice and policy; it was hoped that this vote would have an effect, not unlike, in its principle though opposite in its operation, to those forfeitures of honours, and apparently increased severity in punishment, which, in former times, were devised to cast an additional horror on crimes. But the nature of the stratagem would be canvassed and exposed, and the public would join him in thinking such distinction a shame rather than an honour. It would be like the case of a worthy baronet (sir Brooke Watson) late a member of that house, who having to go in the city-pageant on lord mayor's day, and being asked what he intended to do with his wooden leg, answered, with great good humour, that he meant to gild it. While there seemed, in fact, a sort of propriety, that in the midst of so much splendour nothing so plain should appear as an ordinary wooden leg, it would on the other hand have been supremely ludicrous, to set off ostentatiously what it must be wished to conceal, to decorate a defect, to attract attention and notice to what could be regarded only with regret and pain. This was exactly, however, what his majesty's ministers were doing? They were gilding their wooden leg, and exposing it to public mockery, by endeavouring to get a false honour for themselves, at the expence of the hon. commanders. The service performed was not such as to merit the honour or the thanks: and therefore, he, acting on the same principle on which he declined moving a vote of thanks for the capture of the Cape of Good Hope, protested against the misapplication of a most sacred trust, which ought never to be exercised without the greatest circumspection, and which would be soon destroyed if exercised inconsiderately or improperly.

Mr. *Brand* declined entering at all upon the merits of the service, in which that part of the army and navy had been employed, to which it was proposed to vote the thanks of the house, but he deprecated the coming to a resolution, which would preclude the house from afterwards coming to a decision upon the policy of the expedition. One of the grounds on which the expedition was justified, was the alleged weakness of Denmark to defend herself had she been attacked by France, and he conceived, that it would be altogether inconsistent to pass a vote of thanks for a service which derived its principal importance from the degree of resistance which those employed in it had to encounter.

The *Chancellor of the Exchequer* said, that the motion now before the house, would by no means have the effect pretended by the hon. gent., and that it neither entered into the contemplation of his noble friend, who proposed, nor of the right hon. gent. who opposed the resolution, that it in any way pledged the house to an opinion upon the merit or demerit of those who planned the expedition. He wished that that right hon. gent. had so discussed the question immediately before the house, as not at least to afford strong grounds of suspicion, that his mind was very much prejudiced upon the question not now before them. He would not however, be tempted by any thing that had fallen from the right hon. gent. to transgress the limits of the present question, not even to reply to the charge, that ministers had planned the expedition from no other than the paltry motive of keeping their places; the solidity and justice of which he should leave with the cool judgment of the house, and the cool judgment of the right hon. gent. himself. What he meant now to observe was, that the reasoning of the rt. hon. gent., if corroborated by the decision of the house, would be extremely prejudicial to the public service. He seemed to be of opinion that no service was entitled to the thanks of parliament, except it was the cause of a general and triumphant feeling, compleatly unmixed with any regret, and that there could be no merit, under any circumstances, either in a retreat or defeat, to entitle it to such an honour. He begged leave, in opposition to this doctrine, to remind the right hon. gent. that adm. Cornwallis received the thanks of the house for the judgment and bravery which he displayed in presence of a superior force, when no engagement, and consequently no victory, took place. The thanks of the house had also been voted to the governors of Madras and Bombay, for their activity in forwarding the views of the governor general of Bengal. When lord Hood took possession of Corsica, unaccompanied with any of the circumstances which the right hon. gent. had contended were necessary to the establishment of such a claim, he had received the same mark of approbation. The very circumstance of the service in question being painful to the feelings of those employed in it, he considered as an additional reason why it should not pass unrewarded, and if any thing more than another could add to the merit of the officers employed in the expedition against Copenhagen, it was their having obtained a cheap and bloodless victory, in comparison of what it would have been had they battered and stormed the town, in which case, perhaps the right hon. gent. would have had no objection to their receiving the thanks of parliament. For his part, he conceived that their conduct was highly meritorious for its temper and moderation. At the same time, they had taken care not to hazard the object they had in view. The right hon. gent. appeared also to think, that nothing had been done by the navy, and that if the thanks of the house were voted to the army, at least they ought not to be voted to the navy. Could a single instance be found of a conjunct expedition, in which because one description of force did only all that it could do, the thanks of parliament where withheld from it? Even when the navy had only landed the troops in Egypt, for instance, in which although the navy certainly made excellent arrangements for the disembarkation of the army, yet by the latter the victory was won, for which the thanks of parliament were voted to both. He hoped the house would make no distinction between the services. He hoped the house would separate the present question from the question of the policy of the measure. He hoped the house would not refuse their thanks to the officers engaged in this expedition, because they had executed a painful and heart-breaking duty. (A cry of hear! hear!) He repeated, that it certainly was a painful and heart-breaking duty. He had never contemplated the subject, either before or since the expedition had taken effect, but as a most painful duty. Still, however, it was a duty. It had been performed with as little injury to the power attacked as possible. The question was, whether the house would refuse their approbation to officers, who had rendered a most important service to the nation, by diminishing that force, which, but for their exertions, would probably, ere this, have been joined with the enemy in the invasion of this country.

Mr. *Tierney* said, the only distinct ground which had been stated, which he could understand, was, that our army and navy had been sent on a most painful duty, and had conducted themselves with all possible moderation. He was not at all inclined to dispute this statement; but he did not think this was exactly that sort of merit which was to be rewarded by peerages, and the highest honours which the state had to bestow. Was it supposed that humanity was a quality so rare in this country, and that the feelings of our officers by land and by sea were so different from the general feelings of the English nation, that it was absolutely necessary to give them the thanks of parliament for not acting in a manner unworthy of the British character? In considering the speeches of the noble lord (Castlereagh,) and the right hon. the chancellor of the exchequer, it appeared to him that the latter had spoken with much greater advantage than the noble mover. The right hon. gent. had heard a speech from his right hon. friend (Mr. Windham,) and that furnished him with something to say by way of reply. The noble lord, however, had no such advantage; he was to make out a case, or rather to make a long ingenious speech when he had no case at all. In this kind of effort, the noble lord was generally very successful; for he certainly possessed the dexterity and ingenuity of making as much out of little as any member in that house. The right hon. gent. had supposed his right hon. friend to have said, that ministers had advised the expedition merely for their own private views. His right hon. friend had said no such thing; but merely, that ministers having done something, wished to make the most of it. They had attacked the city of Copenhagen by surprise, or, as some would call it, by treachery, and having succeeded, they wished to give the utmost possible importance to the transaction, and celebrated it by firing of guns and granting of peerages. They had been extremely lavish in the distribution of honours of that description. He believed that there was no instance in the annals of this country of the honour of the peerage having before been conferred for military services of this description. It appeared to him, however, that those persons upon whom those honours had been lavished, had no great reason to be proud of the manner in which they had been obtained. As to admiral Gambier, he believed that no man could have been more surprized than he was on finding his name in the gazette as baron Gambier. It was an honour that he could not have expected. As to the other naval officers employed in this expedition, they never suspected they had performed any achievement that entitled them to the high reward of the thanks of parliament. The fleet in fact, had nothing to do, and consequently did nothing. Every thing that was done was by the army, and all the duty that fell upon the fleet was to stand by and see fair play. It was like the duty of keeping the lines on a field-day, or of keeping a ring at a boxing match, but certainly nothing that a British fleet could take pride in. Although he considered that what they did was next to nothing, he would still give them credit for doing more than the noble lord had stated them to have done. The noble lord, in magnifying the difficulties which our troops had to encounter, stated the number of the Danes to be 35,000, and to have been collected from the different islands. As to their numbers, he did not suppose any human being besides his lordship could credit that statement; but as to their being collected from the different islands, he must, in justice to the fleet, deny that assertion. As to the operations of the army, he did not suppose that they had any opportunity of signalizing themselves by any military exploit. There was no man respected more than he did the character of sir Arthur Wellesley, and he did not know any general to whom the country might look in future with greater hope; but he was convinced, that gallant general must have been as much surprized as admiral Gambier was, when he found himself made a peer, to hear that this affair in the island of Zealand was magnified into a great victory. Sir Arthur Wellesley was a general who had often been in real battles, and was well acquainted with victory, and, therefore, he must have been surprized at finding this victory so celebrated. The real truth was, that there was little or no fighting in the case. The corps that opposed sir Arthur Wellesley was a very inferior force, consisting principally of undisciplined and unarmed people, who took to their heels as soon as they were attacked. He believed that all the regular troops in the island did not exceed 2,700 men; and as to what the noble lord called the regimented militia, he believed there was nothing like a regular organized militia in the island; but that what was called the militia, consisted merely of the inhabitants capable of bearing arms, who, although undisciplined, were in some manner attached to the different regiments. He believed that the organization of what the noble lord called the regimented militia of Zealand, differed but very little from what was formerly known in London, by the description of the Lumber Troop. If there had been such an armed force in Zealand as had been stated by the noble lord, could it be believed that it would have been possible to effect a landing without opposition, within a few miles of Copenhagen? He should contend, that in all the operations previous to the surrender, there was not a single opportunity afforded to any one officer of distinguishing himself in any remarkable manner. There had been nothing to call fighting in the field; there had been no encounters with the garrison; there had been no attacks of the works of the fortress; but whatever was done, was done exclusively by the artillery, assisted by the marines, in bombarding the city. As to the precedents brought forward by the right hon. the chancellor of the exchequer, he did not think they had much bearing on the case. The thanks to admiral Cornwallis was for having, with a very inferior force, saved the fleet under his command by the skilfulness of his manœuvres, and the courage he displayed. This was clearly a service entitled to thanks; but if his fleet had been so vastly superior as not to have given him an opportunity of displaying that professional skill, there would have been no grounds for the vote. In one part of the noble lord's speech, he described the force sent to Copenhagen as so decidedly superior as to be absolutely irresistible, although in another part he conjured up a force of 35,000 regulars and militia, in order to give splendour to the success. As to the votes of thanks to the governors of Bombay and Madras, he should not have concurred in them, if he had been in the house: but the cause for which they had been given was expressly stated, and certainly the exertions of the different governments had been productive of the most important results. He disapproved of the peerage being given as the reward of any military services, but those of the highest rank; but as to pecuniary grants, he thought the country often too niggardly in their remuneration, and that a pension of 2000*l.* per annum was not a sufficient reward for services of the highest importance. There was one reason which he thought might incline some persons to think that rewards and thanks ought not to be given in this instance. The Committee at Lloyd's, who generally ran before the decision of parliament, had not yet voted their thanks and rewards. He believed, however, that he could account for the tardiness of those gentlemen on the present occasion. He believed that one of the great inducements of that body to hail their Captain of the Fleet (sir Home Popham) was that they considered him as a man who would be most extremely attentive to the interests of their trade; but it turned out, that after the surrender, he was so completely occupied in packing up the stores taken, that he forgot to apprize the merchant vessels in the trade, of the war with Denmark, and many ships were taken in consequence of this want of information. Probably the gentlemen at Lloyd's felt a little sore upon this point. It must be recollected also, that great complaints had been made by the Russian merchants of the neglect which their trade had experienced. The Captain of the Fleet was, however, employed in a different manner. He was packing up every thing which could be carried away, and collecting every old hammer which he could find. As to the promotion of admiral Gambier to the peerage, every one who was personally acquainted with the gallant admiral, who knew the excellence of his character and the suavity of his manners, might be pleased at any good fortune he might meet with; but the general feeling of those who happened not to be acquainted with him, was a feeling of disgust at seeing the peerage given as a reward for such service, or such no-service, as he had performed. When he said 'no-service,' he only meant to say that there was nothing for admiral Gambier to do. The hon. member, after contrasting the late expedition with the advantages gained at Copenhagen by lord Nelson, where the gallantry and humanity of the English character were admired by the Danes themselves, concluded by declaring, that he thought the thanks of parliament would be of little value in future, if they were now given.

After the gallery was cleared for a division, Mr. Whitbread, Mr. Elliot, Mr. W. Smith, and sir F. Burdett spoke against the motion; and at the instance of sir F. Burdett, the house divided, when there appeared, For the Vote of thanks 100, against it 19. Majority 81.

List of the Minority.

Brand, T.
Burdett, sir F.
Combe, H. C.
Creevey, T.
Folkestone, lord.
Honeywood, W.
Hibbert, G.
Hurst, R.
Horner, F.
Howard, W.
Matthew, M.
Martin, H.
Ossulston, lord.
Parnell, H.
Pierce, H.
Smith, W.
Smith, J.
Sharp, R.
Tracey, H.

The following Resolutions were then moved by lord Castlereagh, and agreed to; "1. That the thanks of this house be given to lieut. gen. sir Harry Burrard, bart. lieut. gen. the earl of Rosslyn, lieut. gen. sir George Ludlow, lieut. gen. sir David Baird, majs. gen. the hon. Edw. Finch, Tho. Grosvenor, the right hon. sir Arthur Wellesley, sir Tho. Blomefield, bart. Dreschell, baron Linsingen, Brent Spencer, brigadiers general Robert M'Farlane, and Henry Warde, and to the several officers who served in the army commanded by lieut. general the right hon. lord viscount Cathcart, for the zeal, intrepidity, and exertion which they displayed in the various operations which were necessay for conducting the siege, and effecting the surrender of the Navy and Arsenal, of Copenhagen. 2. That this house doth highly approve of and acknowledge the distinguished regularity, discipline, valour, and exertions, displayed by the Non-commissioned officers and soldiers of the said army in all the operations attending the reduction of the Fleet and Arsenal of Copenhagen; and that the same be signified to them by the commanders of the several corps, who are desired to thank them for their distinguished and exemplary conduct. 3. That the Thanks of this house be given to admiral the right hon. lord Gambier, for the distinguished ability and promptitude displayed in the judicious distribution of his majesty's Fleet under his command in the Baltic, by which all succours were cut off from the island of Zealand, and the uninterrupted operations of the army at the siege of Copenhagen were secured, and for his zealous and cordial co-operation with the land forces during that important service, after every means of negotiation had been exhausted; and also for the judgment and indefatigable activity manifested by him in equipping the Danish Navy for sea, and effecting the embarkation and removal of the naval stores from the arsenal of Copenhagen. 4. That the Thanks of this house be given to vice admiral sir Henry Edwin Stanhope, bart. to rear admiral Essington, to rear admiral sir Samuel Hood, to rear admiral Keats, to captain sir Home Popham, first captain to the right hon. admiral lord Gambier, and to the several captains and officers in the fleet under the command of the said admiral, for their cordial and effectual co-operation with the land forces during the siege of Copenhagen, and for their indefatigable activity and exertions in equipping the Danish Navy for sea, and effecting the embarkation and removal of the naval stores from the arsenal at that place. 5. That this house doth highly approve of and acknowledge the services of the Seamen and Marines on board the ships under the command of admiral lord Gambier, in their cordial and effectual co-operation with the land forces during the siege of Copenhagen, in their indefatigable activity and exertions in equipping the Danish navy for sea, and in effecting the embarkation and removal of the naval stores from the arsenal at that place; and that the captains of the several ships do signify the same to their respective crews, and do thank them for their distinguished and exemplary conduct."

[Committee of Finance.] The *Chancellor of the Exchequer* rose, to move for a revival of the Committee of Finance. It was not necessary, he said, for him to trespass at any length upon the attention of the house, by detailing the advantages the country and the public service had derived from the arduous labours of that committee since its first appointment: or the great savings and valuable regulations which had been effected in various departments and branches of the public service, from their suggestions. He particularly instanced in the department of the army, the Pay-office; and he had the satisfaction to add, that government had been fortunate in an opportunity of committing the duty of carrying those regulations into effect, to the gentleman who originally suggested them, and under whose care he was confident they would be rendered efficient to the public service. He had also to state to the house, that in consequence of the suggestions of the committee, an application had been made to the Bank of England, under the exigencies of the country, for the aid of a loan, free of interest, to the public; and he must do justice to the directors by declaring that the Bank of England, with its wonted liberality, had most chearfully acceded. He should conclude by moving for the revival of the said committee proposing no alteration of the names which composed the list of last year, save only the omission of Mr. Richard Rider, not now a member of the house, in whose stead he should propose to insert the name of Mr. Charles Ellis.—He then moved accordingly, and the motion passed without opposition.

HOUSE OF COMMONS.

Friday, January 29.

[COMMERCIAL LICENCES.] Mr. *Horner* rose, pursuant to his notice, and said, that it would not be necessary for him to detain the house at any length, as the object of his motion could be stated in a very few words. He felt it, however, in the first place, necessary to observe, that it was not his intention, in making the motion he was about to make, to anticipate, in any respect, the discussion that might hereafter arise upon the legality or policy of the Orders in Council; his object was merely to put the house in possession of such information as might enable them to form an adequate judgment of the extent to which a practice unquestionably within the act and in its origin, legal, had been carried; whether with regard to safe conduct, or the commercial intercourse in transports conveying foreign commodities from one country to another. He was aware that never was there a period in which it was more hazardous to attempt to trade without those licences than the present, and that, by consequence, never was there a time in which the granting of licences by the privy council was carried to such a serious extent; but he contended, that this very consideration was the strongest argument why it was necessary for the legislature of the country to ascertain its limits, and, if that was not possible, to prescribe such as both the principles of commercial policy and constitutional law, rendered necessary. When it was considered how largely the field of licences was opened by the present extensive, almost universal, system of blockade, the present would not be thought an unseasonable opportunity for ascertaining the extent of the persons to which the grant of those licences was entrusted. He had said that this unrestrained power was injurious upon two considerations; first upon that of commercial policy; and, secondly, upon that of constitutional law; with regard to the first, there could be no doubt it was not politic to throw into the hands of his majesty's executive government the entire controul of the commercial intercourse of the country: upon such an uncertain principle, commercial men could not be expected to engage in any speculation, because there was no one uniform ground upon which to claim such licences, nor was there any recognized principle by which the persons exempted could ascertain whether they laboured under any partial grievance, or whether they were, for sufficient reason, exempted from the benefits of such licence; and here he could not help observing, that certainly it did appear that those exemptions had been carried to a most serious extent. But he had said, that this power of granting licences so unascertained, was also contrary to the principles of the constitutional law; he meant those principles by which it was regulated, that no money could be taken from the subject, but by the legislative power. According to the true principles of the constitution, nothing but the parliament could levy money of the people, and yet, what was the immediate effect of this system of granting licences with a discretionary power? Nothing less than that of establishing an impost, a system of taxation on the subject, in contradiction of the very spirit of the constitution, and in open violation of the law of the land. By this system the entire foreign trade was thrown into the hands of the executive, and thus the foreign trade was exclusively submitted to the controul of the licences of the executive, which licences were not authorized by act of parliament. He understood that the yearly amount of fees received at the Privy Council Office for these licences was very considerable. By what rule, or at what rate they were imposed, he knew not. He was not even aware of any approximation to their amounts; but it was sufficient for the house to know, that almost the whole of the foreign trade was carried on by these licenses, and that in them fees originated which were unauthorized by parliament, and which amounted to a direct impost and taxation on foreign commerce. The hon. gent. concluded with moving, "That an humble address be presented to his majesty, praying that he would be graciously pleased to give directions that there be laid before the house a List of all the Licences granted by his majesty's privy council to private persons, in a manner that would have been illegal, unless under the authority of said Licence, from the month of May 1803, to the 1st day of November last inclusive, distinguishing the number in each month and year."

Mr. *Rose* said that there could be but one wish on the part of his majesty's ministers, with respect to the principle of the motion now before the house. The hon. gent. had prefaced his motion with a speech that did him great credit, and shewed at once his candour and perspicuity; in the same spirit of candour he would suggest to that hon. gent. an amendment in the wording of the motion now before the house. The motion went to require a list of the Licences, &c. and there was annexed the distinction of legality, and illegality, a distinction that, perhaps, it would not be so easy to ascertain as might at first be imagined. As to the first objection, it would be scarcely possible to supply a list of all the Licences granted within the five years, specifying each, and severally distinguishing them.

Mr. *Horner* begged pardon for interrupting the right hon. gent. but he thought he could save the house and the right hon. gent. much unnecessary trouble, by stating that the wording of the present motion, as far as related to the list of licences, specifying each, was a mistake to be attributed to his inadvertency; as his intention was to have moved rather for the number of licences so granted, which would as fully answer the ultimate object of his motion. It was then agreed upon, that the papers to be laid before the house should be an account of the number of licences so granted, &c.

Mr. *Rose* could not avoid pressing upon the consideration of the hon. gent. the propriety of another alteration in the wording of his motion. The distinction that was attempted to be laid down as to what orders were legal or illegal, would be necessarily productive of delay, if not difficulty. Perhaps it was not going too far to say, that all such orders were in a manner illegal; but yet, if such were not allowed, and to a certain extent, it would be impossible in such times to carry on a foreign trade at all. But even admitting this, he would yet say, that when the hon. gent. had complained of such licences, as being unconstitutional, he should have adverted to the circumstance of an act having been passed in the 43d of the king, authorising such grants of licences. As an illustration of the difficulty arising out of this distinction of legality or illegality, he would adduce an instance of 300 licences being granted within a certain period of time. Now, according to the present wording of the motion, those 300 could not be laid before the house till they had been submitted to the revision of the privy council, and till the privy council had decided which were in their opinion legal or illegal. He wished, therefore, to obviate this difficulty by omitting this distinction, and moving for the production of licences granted within stated times. As to what the hon. member had said he should make the subject of his second motion, namely, the fees granted to the officers of the privy council, he thought, that in general stated fees were much less liable to abuse than gratuities, which he should in every department whatever be prepared to set his face against. As to the precise nature of the fees of office on the granting of licences, the fees amounted, for a whole cargo, to merely 14*l.* including the stamp duty, which amounted to 1*l.* 10*s.*; of which 14 pounds, 9*l.* 4*s.* 6*d.* was paid for the sign manual, 2*l.* to the principal clerk, and 1*l.* 10*s.* distributed among the other inferior officers, and 2*s.* 6*d.* to the office-keeper. In stating this he would repeat, that there was nothing which he was more anxious to put a check to than the system of gratuities. He would join with any gentleman in annexing to it any punishment seasonably rigorous. He would go so far as to subject it to the penalties of a simple felony. For there was no one existing abuse he was so anxious to put a stop to. He had no other motive in suggesting these alterations to the hon. gent. than to put him in the best way of coming at the information he sought for, which he believed could not be so readily obtained by the motion as it originally stood; for the very merchants who solicited for licences were in many instances totally independent of those licences, though, for a very justifiable caution, they had applied for such licences.

Mr. *Horner* replied to the general observations of the right hon. gent. as affecting the distinction of the legality or illegality of the licences, and denied that the 43d of the king, as cited by the right hon. gent. applied, because the object of that act related merely to a temporary suspension of the navigation act.

The *Chancellor of the Exchequer* defended the necessity of this discretionary power being vested in the privy council, and said that the object of all such orders was to ease the subject under the operation of the strict letter of the law. He took this opportunity of repeating his doubts of the propriety or necessity of asking parliament for an indemnity, with respect to the orders in council, in as much as it did not appear that in this instance more had been done than had been done before, and in a manner legalized by the act already alluded to.—After some further conversation it was finally agreed, that the two motions should be to the following purport: 1. "That, an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this house, an Account of the number of Licences which have been recommended by the lords of his majesty's privy council to be granted by his majesty, under his sign manual, to persons applying for the same, for commercial objects, from the commencement of hostilities in May 1803 to the first of Nov. last; distinguishing the number in each month or year. 2. That there be laid before this house, an Account of the whole amount of Fees or Gratuities which have been yearly paid and received at the Office of his majesty's most honourable privy council, or at any other of the public offices, by or on account of persons who have obtained or have applied for Licences permitting them to navigate or trade, from the commencement of hostilities in May 1803 to the 31st of Dec. last, specifying by what persons in the said offices respectively such Fees, or any proportion of them, have been ultimately received, or in what other manner the whole amount of such Fees has been disposed of; and stating by what regulation, or according to what rate, such Fees are required."

[Navy Estimates.] The house resolved itself into a Committee of Supply, Mr. Wharton in the chair. On the motion of Mr. R. Ward, the following resolutions were agreed to, viz. 1. "That the number of 130,000 men should be employed for the sea service of the present year, including 14,000 royal marines. 2. That a sum not exceeding 3,126,500*l.* be granted to his majesty for the wages of the above men for 13 months, at the rate 1*l.* 17*s.* per man per month. 3. That a sum not exceeding 3,211,000*l.* be granted to his majesty for victualling the above men for 13 months, at the rate of 1*l.* 18*s.* per man per month. 4. That a sum not exceeding 5,070,000*l.* be granted to his majesty, for the wear and tear of the Navy, for 13 months, at the rate of 3*l.* per man per month. 5. That a sum not exceeding 521,500*l.* be granted to his majesty for defraying the charges of Ordnance for sea service, for 13 months, at the rate of 7*s.* per man per month." In answer to a question from Mr. Tierney, whether any diminution was made in the Navy Estimates, in consideration of the stores brought from Copenhagen, it was stated by Mr. Ward that there was no diminution in the estimates; by Mr. Huskisson, that the application of the money voted would be matter of subsequent consideration; and by the Chancellor of the Exchequer, that it was certainly intended to reward the captors out of the stores, or the value of them.

HOUSE OF LORDS.

Monday, February 1.

[Minutes.] Viscount Carthcart was introduced by lords Wentworth and Lake. His patent of creation having been read at the table, his lordship took the oaths and his seat. The Lord Chancellor communicated the thanks of the house severally to viscount Carthcart and lord Gambier, each noble lord standing in his place whilst the thanks were delivered. Viscount Cathcart and lord Gambier severally addressed the house, expressing their thanks for the high honour conferred upon them, and speaking in the warmest terms of approbation of the ability, skill, discipline, and valour displayed by the Army and Navy employed in the Expedition to Copenhagen.

HOUSE OF COMMONS.

Monday, February 1.

[Vote of Thanks—Expedition to Copenhagen.] The Speaker acquainted the house, that he had received from admiral the right hon. lord Gambier, the following Letter, in return to the Thanks of the house, signified to him, in obedience to their commands of Thursday last:

"Sir; I have the honour to acknowledge the receipt of your Letter of the 29th inst. in which you inform me, that you are commanded by the house of commons to communicate to me their Resolutions of Thanks for the services performed by me, and the Fleet under my command, on the late Expedition to Copenhagen, transmitting to me at the same time authenticated copies of those Resolutions, and requesting of me to signify the same to vice admiral sir Henry Edwin Stanhope, rear admiral Essington, rear admiral Keats, and the several captains and other officers referred to therein.—In answer thereto, I beg leave to assure you, that this signal mark of approbation which the house of commons has been pleased to confer upon the officers, seamen, and marines, late under my command, and upon myself, has impressed my mind with a deep and lasting sense of so highly distinguished an honour; and I am at a loss for terms to express how highly gratifying it is to my feelings.—I shall lose no time in communicating the Resolutions of the house of commons to the admirals, captains, and other officers referred to therein, and shall desire the captains and commanders to make the same known to the officers, seamen, and marines under their command. I must beg of you, sir, to accept my most cordial thanks for the honour of your Letter, and the obliging terms in which you are so good to express yourself towards me therein. I have the honour to be, &c. Gambier. Admiralty, 30th Jan. 1808."

Major general the hon. Edward Finch, major general Thomas Grosvenor, and major general the right hon. sir Arthur Wellesley, being come to the house, the Speaker acquainted them, that the house had, upon Thursday last, resolved, That the Thanks of this house be given to them for the zeal, intrepidity and exertion which they displayed in the various operations which were necessary for conducting the siege, and effecting the surrender of the Navy and Arsenal, of Copenhagen. The Speaker gave them the Thanks of the house accordingly, as follows:

"Major general Finch, major general Grosvenor, and major general sir Arthur Wellesley; This house, contemplating the services performed by his majesty's Army on the late Danish expedition, and applauding the zeal, intrepidity, and exertion displayed by the general officers employed in the reduction of Copenhagen, has conferred upon them the high honour of its approbation and thanks; a higher reward this house has not to bestow. In distributing these honours, it is at all times matter of just pride and satisfaction to this house, to behold within its own walls any of those distinguished persons whose merit has raised them to this eminence.—But I should indeed be wanting to the full expression of those sentiments which animate this house and the whole country, if I forbore to notice, that we are on this day crowning with our Thanks one gallant officer, long since known to the gratitude of this house, who has long trodden the paths of glory, whose genius and valour have already extended our fame and empire, whose sword has been the terror of our distant enemies, and will not now be drawn in vain to defend the seat of empire itself, and the throne of his sovereign.—I am charged to deliver the Thanks of this house to you all, and I do accordingly thank you in the name of the Commons of the United Kingdom, "for your zeal, intrepidity, and exertion, displayed in the various operations which were necessary for conducting the siege, and effecting the surrender of the Navy and Arsenal, of Copenhagen."—Upon which,

Major general *Finch* said, "Mr. Speaker, I beg leave most respectfully to return you my thanks for the obliging and very flattering terms in which you have communicated a resolution of the house, which reflects such high and distinguished honour on every individual included in it; allow me, sir, (if I may judge from my own feelings) to assure you and the house, that nothing can make a stronger impression on the mind of any one devoted to the service of his country, than to know that any act of duty, in which he may have had even an humble part, has been thought worthy of the notice and approbation of this house."

Major general *Grosvenor* then said, "Mr. Speaker; It is impossible to have communicated to me, in my place in this house, the high and distinguished honour, such as I hold the thanks of parliament to be, without exciting in my breast feelings and sensations such as I am unable to suppress. Sir, the proudest recompence, the most valuable remuneration, a soldier can look to as a reward for public service, is the thanks of his country. When I consider my own humble services, I feel oppressed and overcome as it were by the value I cannot but attach to the communication you make me; and the more open, sir, to this feeling, impressed as I am with the handsome and flattering manner in which you have been pleased to convey the vote of the house to my brother officers and myself."

Major general sir *Arthur Wellesley* said; "Mr. Speaker; I consider myself fortunate that I was employed by his majesty on a service which this house has considered of such importance, as to have marked with its approbation the conduct of those officers and troops who have performed it. The honour which this house has conferred upon my honourable friends and myself, is justly considered by the officers of the navy and army as the highest which this country can confer; it is the object of the ambition of all who are employed in his majesty's service, and to obtain it has doubtless been the motive of many of those acts of valour and good conduct which have tended so eminently to the glory, and have advanced the prosperity and advantage of, this country. I can assure the house, that I am most sensible of the great honour which they have done me, and I beg leave to take this opportunity of returning you, sir, my thanks for the handsome terms, respecting myself, in which your kindness to me has induced you to convey the resolution of the house."

Captain sir Home Popham being come to the house, the Speaker acquainted him, that the house had, upon Thursday last, resolved, That the Thanks of this house be given to him for his cordial and effectual co-operation with the land forces during the siege of Copenhagen, and for his indefatigable activity and exertions in equipping the Danish navy for sea, and effecting the embarkation and removal of the naval stores from the arsenal at that place. The Speaker then gave him the thanks of the house accordingly, as follows:

" Captain sir Home Popham; The prompt and able distribution of his majesty's fleet, during the late important expedition to the Baltic; the zeal and intelligence displayed by his majesty's naval forces in supporting the operations of the besieging army; and their subsequent exertions on compleating the service upon which they were employed; have obtained the approbation and thanks of this house. Amongst the gallant officers of that fleet, whose names have been honoured with this high distinction, I have to congratulate you, that yours also stands recorded. And I do now accordingly, by the command of this house, give their Thanks to you, " for your cordial and effectual co-operation with his majesty's land forces during the siege of Copenhagen; and for your indefatigable activity and exertions in equipping the Danish Navy for sea, and effecting the embarkation and removal of the naval stores from the arsenal at that place."—Upon which

Sir *Home Popham* said; " Mr. Speaker; I beg leave, sir, to express through you to this honourable house, my most profound sense of the notice it has been pleased to take of my humble participation in the operations of the late expedition to Copenhagen. No man, sir, can be insensible to the distinction which this house has conferred upon the Army and Navy on the present occasion; no man prizes that distinction higher than the value I set upon it; and I beg leave to assure the house, as the only tribute of gratitude which I can offer, that it shall be the first principle of my life, regardless of all consequences to myself, to promote, by the full exercise of my poor faculties, the service of our much esteemed country, and the glory of our virtuous sovereign. With the manner which you have conveyed this honourable testimony of approbation I am most deeply impressed; and I beg leave to offer you my sincere and very grateful acknowledgments."

[OFFICES IN REVERSION BILL.] The Offices in Reversion bill was read a third time. On the motion that it do pass,

Sir *Samuel Romilly* expressed his regret, that the bill had reached this stage without the house knowing what was the opinion of his majesty's ministers, as to its merits. He supposed, that they were not hostile to it because they had not opposed it, but it was of no small importance for the house to know, whether it had their support or not. He remembered, that on a former occasion when a bill similar to the present had been brought into parliament, a right hon. gent. had said, that in his opinion it was a matter of very great indifference, whether it passed or not, that on the one hand it was no invasion of the king's prerogative, and that on the other little practical good could result from it. He was of a different opinion from that right hon. gent. for he thought, that if no practical good could be derived from it, the bill ought not to pass, but he was convinced that much good would result from it, and therefore it had his hearty support.

The *Chancellor of the Exchequer* said, that he did not know what right his honourable and learned friend had to call upon him, or any of his colleagues, to give his or their sentiments on the present occasion. He had never seen any reason to expect much benefit from the passing of this bill, however much some persons might think it would be productive of advantages. It had come originally recommended by a committee, as being calculated to diminish the public expenditure; and, therefore, it appeared to him not to be a subject that ought to meet with opposition. As it had passed this house formerly, and had afterwards been thrown out in another place, rather by surprise, he thought it but reasonable to allow it to be restored to a similar stage with the former one. These were the motives that induced him to vote for its third reading, and for its passing that house.—The bill was then passed.

[Papers relative to Russia] Mr. Secretary Canning presented to the house, pursuant to their address to his majesty, the following papers:

PAPERS RELATING TO RUSSIA,

PRESENTED BY HIS MAJESTY'S COMMAND TO BOTH HOUSES OF PARLIAMENT, FEBRUARY 1, 1808.

No. I.—Dispatch from the right hon. lord Granville Leveson Gower to Mr. Secretary Canning, dated St. Petersburg, Sept. 2d, 1807.—Received Sept. 19th.

Sir: I have the honour to inform you, that on Saturday evening, 29th August, I received by sir Stephen Shairp, who left the fleet off Copenhagen upon the 24th of August, your dispatches, Nos. 32 and 33, and on Sunday the messenger Ruff delivered to me those from No. 26 to 31 inclusive.—Being thus completely put in possession of the sentiments of his majesty's government upon all the points which could come into discussion between this country and Great Britain, I lost no time in requesting a conference with general Budberg, who, though extremely unwell, invited me to call upon him last night.—I began the conference by observing that his excellency being already apprised by the answer given by his majesty's secretary of state, to M. Alopeus, of the conditional acceptance by the court of London, of the proferred mediation of Russia, I had to state to him, that I was instructed in the first instance to request the communication of the secret articles of the treaty of Tilsit, and a frank disclosure of the general views and intentions of the court of St. Petersburgh. That impartiality was the first requisite in the character of a mediator, and that before the British government agreed to avail itself of the mediation of this court, it was essentially necessary that England should be placed, with regard to the mediating power, on an equal footing with France; that the confidential intercourse which had taken place between the emperor and Bonaparte at Tilsit, and by which his imperial majesty became acquainted with the principles upon which the French government proposed negociating with the court of London, had naturally excited an uneasiness in England, which could only be removed by an unreserved communication; that I could not conceal from him, that the period peremptorily prescribed to his majesty, for the acceptance of the Russian mediation, had created in London a very unfavourable impression against the intervention of his imperial majesty; that however, notwithstanding his majesty had just reason to be offended with the terms of the 13th article, such was his desire to embrace any opening which afforded the prospect of the conclusion of an honourable peace, that he would not retract the conditional acceptance of the mediation, which had already been conveyed to the Russian government, in the note addressed by you to M. Alopeus; that his majesty at the same time, looked for some mark of the good will of the emperor of Russia towards great Britain; that M. Alopeus had before the late unfortunate events of Friedland and Tilsit, requested of you a project of a new treaty of commerce, and had given the assurance of the disposition of his court to proceed to the definitive conclusion of a commercial arrangement between the two countries; that a project had in compliance with his wish been communicated and transmitted to St. Petersburgh; and that if the good-will of his imperial majesty towards England continued unaltered, I trusted no delay would take place in proceeding to the negociation of this treaty; that the existence of any stipulation in this project, which was not approved of by this government, was no obstacle to our entering into negociation upon it, because I should take upon myself to agree to any modifications which did not appear to change the basis and principles upon which it had been framed; that as France had, by the 27th article of the Tilsit Treaty, secured the re-establishment of her former commercial relations with Russia, a natural and obvious mode of proving the impartiality of the emperor would be the renewal of the commercial treaty with Great Britain.—General Budberg began his reply by acknowledging the existence of secret articles belonging to the treaty of Tilsit. There were some, he said, which in no way concerned the interests of England; that he could assure me, and as an honest man, he would not say it if it were not truth, there existed no secret article whatever, which stipulated the shutting the Russian ports against the British commerce; that, with respect to the project to the treaty of commerce, he had to confess, that, from the press of other business, and the bad state of his health, he had not had time to lay it before the emperor; that it must necessarily be considered by the minister of commerce, before he could confer with me upon it; and that, as to the 27th article of the Tilsit treaty, it only placed the commercial relations of the two countries upon the same footing that they had been before the commencement of hostilities; that the commercial treaty with France was not renewed, and would expire in two years; and that it by no means followed because Bonaparte had communicated to the emperor of Russia, the basis upon which he was ready to conclude peace with England, that his imperial majesty had made any communications at Tilsit of the future views and system of the court of Petersburg. The general appeared to wish that I should consider this answer as sufficiently satisfactory to authorize me to accept the mediation of his court. I observed in reply, that it was difficult to conceive any articles of a peace between Russia and France which did not directly or indirectly concern Great Britain; but that I asked the communication of the secret articles, not only as an object which might affect the interests of England, but as a mark of the continuance of that friendship and confidence on the part of this court, which could alone afford any prospect of good, from the acceptance of the mediation of the emperor of Russia; that with the same view, I had proposed continuing the negociations begun by Mons. Alopeus, and that if his excellency had no authority at present to say any thing more satisfactory than what I had as yet heard from him, I must request him to ask the permission of the emperor to communicate to me without reserve the secret articles of the treaty between Russia and France, and to empower him to continue the negociations, and conclude a treaty of commerce with Great Britain. General Budberg promised me, that he would lose no time in bringing these two requests under the consideration of his imperial majesty. I have the honour, &c.

Granville Leveson Gower.

No. II.—Extract of a dispatch from the right hon. lord Granville Leveson Gower to Mr. Secretary Canning, dated Saint Petersburgh, Sept. 2, 1807. —Received Sept. 19th.

I had the satisfaction of finding last night, that a considerable change had taken place in the tone and temper of general Budberg's conversation. Instead of that coldness and reserve which characterised the replies of the Russian minister to the questions which I had thought it my duty to put to him in previous conferences, I found a very mild and conciliating manner, and an apparent anxiety to remove every difficulty in the way of a perfectly good understanding between the two countries. I regretted the reserve which had marked the conduct of the Russian government towards England; he answered that Russia had just grounds of complaint against England; he went into a long detail of the little attention that had been given to the repeated representations of the emperor of Russia, and I could not be surprised, he said, that in the first moment of misfortune arising from the want of co-operation, he should testify some degree of discontent. I replied, that we could not better serve the cause of Bonaparte, than by indulging in mutual recrimination on the past conduct of each government; that I wished our whole attention should be turned to the future, and that I was persuaded, if the emperor of Russia still entertained his former opinions of the danger to be apprehended from the preponderance of France, the cause of the independance of Europe was by no means desperate.

No. III.—Extract of a dispatch from the right hon. lord Granville Leveson Gower to Mr. Secretary Canning, dated St. Petersburgh, 2d Sept. 1807.— Received Sept. 19th.

As general Budberg carefully avoided every allusion to the late transactions at Copenhagen, during the interview which took place between us on Tuesday, I was somewhat surprised on the following morning to receive the note of which I have the honour to enclose a copy. In my answer, also inclosed, I have endeavoured to follow closely those among the reasons stated in your dispatches, which I conceive likely to prove the least offensive to this government, reserving other arguments for my first future conference with the minister.

(First inclosure referred to in No. 3.)

His majesty the emperor has just learned with the utmost surprise by accounts from his minister at Copenhagen, as well as by a dispatch from his Danish majesty's minister at this court, that Mr. Jackson, his Britannick majesty's Plenipotentiary, has made propositions as derogatory to as incompatible with the dignity of every independent power, and that, upon the refusal of the prince royal of Denmark to accede to a pretension so extraordinary, the English fleet has taken a position which evidently announces intentions hostile towards Denmark. The ties of consanguinity and friendship which unite his imperial majesty with the king of Denmark not suffering him to view with indifference any danger which might menace the dominions or the independence of that sovereign, the undersigned has received commands to invite his excellency lord Granville Leveson Gower, to acquaint him with the motives which have induced the cabinet of St. James's to adopt proceedings so extraordinary against Denmark. The undersigned, &c.

(Signed) A. De Budberg.

(Second Inclosure, referred to in No. 3.)

St. Petersburgh, 21st August (2d September) 1807.

Agreeably to the desire of his excellency general Budberg, the undersigned, ambassador of his Britannic majesty, losses no time in communicating to the Russian government the motives which led to the steps taken by the king's minister at the court of Denmark, and to the subsequent operations of the British forces against the island of Zealand.—The British ministry had been a long time in possession of positive data which left no doubt as to the intentions of the French government respecting the maritime means of Denmark; and the projects against England from that quarter, which were matured by the continental peace, certainly cannot have escaped the penetration of his majesty the emperor of Russia. The Danish fleet destined to cover a descent on the British coasts being therefore an object essential for the accomplishment of the views of France, the king found himself under the necessity of securing himself from so imminent a danger, by those precautions which were adopted with regret, however indispensable for the security of his empire. The ties of relationship which unite the two courts of London and of Copenhagen would have inspired the king with the desire of avoiding such a painful extremity, and of respecting, as far as depended upon himself, the interests of Denmark; but his duty called equally for measures adapted to ward off a danger which threatened not only the welfare of his people but the existence of his crown. The undersigned, having thus frankly replied to general Budberg's note, will with pleasure furnish a more detailed verbal explanation, should his excellency desire it; and he avails himself of the opportunity to repeat the assurances of his high consideration. (Signed) G. L. Gower.

His excellency general de Budberg, &c.

No. IV.—Extract of a dispatch from Mr. Secretary Canning to the right hon. lord Granville Leveson Gower, dated September 27th 1807.

Sir Robert Wilson arrived here on Saturday the 19th with your excellency's dispatches of the 2d instant, which I have laid before the king.—Whatever may have been the motives or the causes of the change which your excellency represents to have taken place in the tone of the Russian councils, or whatever may be the probability of the continuance of the system now apparently adopted; his majesty hails with the most sincere satisfaction the return of those sentiments of friendship and confidence on the part of his august ally, from which his majesty on his part has never deviated, and the cultivation of which is more than ever necessary for their common interests.—Your excellency will lose no opportunity of expressing these sentiments to his imperial majesty and his minister.—For forbearance and moderation which your excellency has been all along instructed to employ in all your remonstrances with respect to transactions in which the personal character of his imperial majesty was so immediately concerned, and the reliance which you have not failed to express on the returning sense of what was due to his majesty's long experienced friendship and fidelity, accord perfectly with the language which you are now instructed to use, and make the whole of his majesty's conduct towards his imperial majesty uniform and consistent. And your excellency cannot too constantly impress upon the Russian minister the topic which you have so judiciously employed in your late conferences, that in the present state of the world, retrospect and recrimination are worse than useless; and that the establishment of future good understanding and the concert of measures to be taken with a view to future exertion, are alone the proper subjects of discussion between the two governments.—Your excellency did perfectly right in declining to consider the communication of general Budberg as sufficiently satisfactory to authorise your acceptance, on the part of his majesty, of the mediation of the emperor of Russia.—The points upon which the question of this acceptance turns, are, 1st, The frank communication of the articles of the Treaty of Tilsit, secret as well as avowed. 2dly, A distinct explanation of the basis upon which France proposes to treat, and which appeared to his imperial majesty at Tilsit so just and honourable.—These are the conditions directly stipulated in my note to M. Alopeus, and without which an acceptance of any mediation by his majesty could be nothing else than a complete surrender of his honour and his interest into the hands of the mediator, if not of the enemy.—But to these are reasonably to be added, if not as conditions without which it would be impossible to consent to treat under the auspices of Russia, at least as those which his majesty has a right to require from a friendly power, before he commits himself to its guidance in a question affecting the immediate safety and the future welfare of his dominions; 1st, A disclosure of the general views of policy of the emperor of Russia; and of any engagements into which he may have entered with respect to the different powers in whose fortunes his majesty takes an interest; and 2dly, Some plain and decisive proof of the good understanding subsisting between his majesty and his august ally; such as shall satisfy, not his majesty only, but Europe and the world, of the impartiality with which his imperial majesty has undertaken, and proposes to administer, the duties of his office as mediator.—With respect to the first of the two points which I have stated as absolutely indispensable, general Budberg appears as yet to have gone no farther than to give a verbal assurance that there is not any article, among the secret articles of the Treaty of Tilsit, stipulating for the shutting of the Russian ports against Great Britain.—But it will immediately have occurred to your excellency that a distinction might probably be taken in M. de Budberg's mind between a stipulation for the immediate and unconditional execution of a purpose, and the agreement to resort to it eventually, under circumstances which may not yet have occurred; and that, supposing the former only to be the sense of M. de Budberg's assurance, that assurance might be literally true, without in fact conveying any thing essentially satisfactory.—The inference to be drawn from this circumstance is, that the Russian minister should be called upon by your excellency in an official note, not for a simple disavowal only of any single article, but for the communication of the secret articles themselves, or at least of any agreement actual or eventual, in which the interests of this country or its allies are in any degree concerned.—In the same formal manner a communication should be required of the basis of peace proposed by France; upon which the Russian Minister does not appear to have offered any explanation.—The other two points are not so strictly connected with the question of mediation. But it is nevertheless perfectly reasonable that his majesty should require some ostensible proof of the good will of his august ally, to counteract the general impression which must have been created by late events, of a difference and disunion between them; before his majesty can with a good grace accept those offices at the emperor of Russia's hands, of which impartially should be the essential character. No proof could be selected, at once so easy for his imperial majesty to give, so grateful to his majesty to receive, so natural in the eyes of the world, and so little liable to exception on the part of France, as the renewal of the Treaty of Commerce.—With respect to the remaining point, which your excellency is instructed to urge—a communication on the part of the Russian government of its general views and policy for the future,—you will observe, that his imperial majesty himself annexed to his conditional acceptance of the mediation of the emperor of Austria, a similar demand of the communication of the general views of the court of Vienna respecting the future state of Europe.—In the treaty of Bartenstein, concluded between his imperial majesty and the king of Prussia, and offered by them to the acceptance of other powers as the basis of a co-operation for the purpose of producing a general pacific arrangement, a distinct and detailed exposition was entered into with respect not only to the powers intended to be comprehended as parties to the treaty, but to all the other powers of Europe in whose fate any one of the principal powers could be supposed to be interested.—These examples of what his imperial majesty has done, and what he has required, would sufficiently authorize his majesty's solicitude to obtain a similar explanation on the present occasion.—But there are other grounds for it in the very state and circumstances of Europe, as arising out of the Treaty of Tilsit, and the stipulations annexed to it; some of which stipulations are already carrying into execution in a way to excite his majesty's apprehensions, if not for his own interests, for those of his allies.—Is it possible that his majesty should not think it essential to be informed whether the public article of the Treaty of Tilsit, which recognizes the French king of Naples, only as king of Naples, is, in effect, contradicted by a secret article, which adds to this title that of the two Sicilies? The movements in the Mediterranean, and the surrender of Corfu, naturally give rise to a variety of apprehensions, which it would be for the interest of both countries to quiet, or at least, to reduce within the bounds of truth.—Has not his majesty the right to require some explanation of the intentions of Russia with respect to Turkey; a power with whom his majesty finds himself at war, and left alone in the war, for no other than Russian interests, and from a quarrel espoused by his majesty for the sake of his ally?—These topics your excellency will urge in your conferences with M. de Budberg with all the earnestness which their importance requires, but at the same time carefully avoiding a strain of reproach; and even when you are obliged to confess the suspicion of engagements having been entered into such as his majesty cannot but disapprove, conducting your inquiry in such a manner as shall lead M. de Budberg to believe that his majesty is anxious rather to find the means of preventing or remedying the evil, than to discover the grounds of complaint against Russia. Upon the whole, your excellency will collect from these instructions, that his majesty is as much desirous, as ever, to cultivate the friendship and alliance of the emperor of Russia; that he conceives the only chance of safety for what remains of Europe to depend upon the renewal of a good understanding between them; that his majesty has never, even under appearances the most unfavourable, altogether despaired of such a recurrence, on the part of the emperor, to the counsels which are best calculated for his own glory, and for the security of his own dominions, as it is now hoped has taken place; and that his majesty, upon such a change, is eager to forget all that has passed of a nature contradictory to those counsels, or inconsistent with them.

No. V.—Extract of a Dispatch from Mr. Secretary Canning to the Right Honourable Lord Granville Leveson Gower, dated Sept. 28, 1807.

Foreign Office, Sept. 28, 1807.

His majesty entirely approves of the answer returned by your excellency to general Budberg's note on the subject of the operations at Copenhagen. I enclose to your excellency a copy of the Declaration which his majesty has caused to be published on that subject, in which your excellency will find the principles upon which his majesty has acted, clearly laid down; and in which the disposition of his majesty to limit the measures of hostility to which he has unfortunately found himself compelled to have recourse, is announced with that frankness and moderation which characterize his majesty's conduct. In conversing upon this subject with the Russian minister, your excellency, in addition to the arguments so correctly stated in your note, and to those with which his majesty's Declaration will furnish you, will not hesitate to appeal to the Russian government itself for reasons in justification of the measures to which his majesty has been under the necessity of resorting.—You will remind general Budberg, not as matter of reproach, but as matter of fact merely, that from the conclusion of the peace of Tilsit down to the hour at which your excellency's dispatches by sir Robert Wilson were received here, the British government were without one word of assurance as to the amicable intentions of Russia towards Great Britain. The offer of mediation, under all the circumstances which belonged to it, was calculated to excite any other feeling rather than that of confidence in the emperor's goodwill; and every account that was received here of the temper in which that proposal was made, and of the light in which it was viewed by the enemy, justified the belief that it was intended by Russia rather as preparatory to hostility consequent upon his majesty's refusal, than as likely to lead to a pacific result through his acceptance. In the mean time, the publication of the Prussian peace, and the concealment of the Russian, and the intelligence of the plan brought forward in the conferences of Tilsit for a general confederacy againt this country, in which the navies of Denmark and Portugal were destined to co-operate (intelligence since confirmed by a frank and friendly communication from Portugal herself of such a proposal having been actually made to her by France, and enforced with threats of instant and destructive hostility in case of her declining to comply with it), these circumstances, coupled with the actual preparation for the reception of a large French force at Hamburgh, formed together such a body of evidence not only of the designs of Bonaparte, but of the connivance, if not of the participation, of Russia, that his majesty would have been wanting alike in what he owed to his own dignity and to the security of his dominions, if he had not taken the most effectual steps for breaking through the combination that was collecting round him: and it would have been idle, under such circumstances, to have waited the consent of Russia to measures calculated to repel a danger, of which Russia herself formed so large a part. It cannot be disguised, therefore, that the want of communication on the part of the Russian government has been in no small degree the cause of the very mischief which that government now laments. Confident as his majesty is in the justification of the vigorous and decisive steps to which the necessity of self-preservation obliged him to resort, he would yet more willingly have been spared the painful task of acting upon that necessity, had Russia been in a state to offer her guarantee of the neutrality of Denmark, instead of affording such strong ground of suspicion that she was prepared to countenance, if not to instigate, her hostility. But it is useless as well as painful to dwell upon what might have been the course of events, if the emperor of Russia had not unwaringly delivered himself over to the counsels of France, at a moment when it was of all others the most essential that a good understanding should be kept up between Russia and Great Britain. Your excellency will therefore dwell on these topicks no longer than may be necessary to impress upon the mind of the Russian minister, the conviction that the supposed unfriendliness of Russia must of itself have prevented his majesty from communicating with his imperial majesty on the subject of Denmark, before he proceeded to those strong but necessary measures, the result of which has dispelled all apprehension of danger from that quarter. It remains, now, according to the principle wisely established in your excellency's late conferences with general Budberg, to look forward to the probable consequences of what has taken place, and to endeavour to turn them to such account as may be most beneficial both to Russia and Great Britain, and to that cause which their reunion might yet afford a hope of conducting to a favourable issue. After the perusal of the papers which I inclose, your excellency will be fully informed of the whole situation of affairs with respect to Denmark. His majesty is perfectly willing that the pacification with the court of Denmark should be wholly the work of the emperor of Russia: that it should originate in his imperial majesty's counsels, be conducted under his auspices, and concluded under his guarantee. The situation of his imperial majesty, as the natural protector of the north, obviously points him out for such a task; which even France could not refuse to assign him, unless France were ripe for breaking with the court of Petersburgh. Denmark has unquestionably applied to the emperor of Russia for protection. How can that application be better answered than by the emperor of Russia's engaging to bring Great Britain to an arrangement upon such terms as are stated in the inclosed papers? And to such engagement on the part of the emperor of Russia, the emperor is beforehand assured of the consent of his majesty.

No. VI.—Extract of a Dispatch from the Right Honourable Lord Granville Leveson Gower to Mr. Secretary Canning, dated St. Petersburgh, Sept. 19, 1807. Received Oct. 7.

I have the honour to inform you, that on Tuesday last general Budberg gave up the portfeuille of the foreign affairs to count Soltykoff. I took an early opportunity after this notification of seeing count Soltykoff, and recapitulated to him what had passed in my last conference with general Budberg; I reminded him the promise made by his predecessor to bring under the immediate consideration of the emperor the points upon which I had been instructed to obtain an answer from this court, before I could signify the acceptance of his majesty to the proposed offer of mediation. I observed that the tardiness of this government upon this subject ill accorded with the anxiety expressed by his imperial majesty for the conclusion of peace between England and France. Count Soltykoff answered that he would on the following day take the emperor's orders with respect to the communication of the secret articles of the treaty of Tilsit; that without seeing his imperial majesty he could take upon himself to say that the Russian government was well disposed to enter into a negotiation upon the treaty of commerce; and he repeated what I had heard before from general Budberg, that the Projet de Traité transmitted by M. Alopeus must in the first instance be submitted to the consideration of the department which it peculiarly concerned. In the course of our conversation he gave me many general assurances of the amicable disposition of this court towards England, and of the satisfaction he should feel in contributing to the establishment of a footing of friendly snd confidential intercourse between our two governments. Count Soltykoff being in the country yesterday, my endeavours to see him were unavailing; but I this morning obtained a conference, when, after some expressions of regret, at his first communication with me being of an unpleasant nature, he told me, that he was authorized by the emperor to inform me, that his imperial majesty did not think proper to communicate the secret articles. It is not, he said, on account of their containing any stipulations prejudical to England; but having once determined that these articles should not be made public, the emperor sees no reason for receding from his determination.

No. VII.—Extract of a Dispatch from the Right Honourable Lord Granville Leveson Gower to Mr. Secretary Canning, dated Saint Petersburgh, 9 Sept. 1807. Received Oct. 7.

My last dispatches to you had scarcely left Petersburgh, when I received information that the emperor had named count Romanzow, minister for foreign affairs. This appointment was officially made known three days afterwards to the corps diplomatique by a circular note. I thought it my duty to lose no time in seeing count Romanzow; and the state of suspence in which I have been so long kept with respect to the negotiation of the renewal of the treaty of commerce, justified me in requesting an immediate conference with the new minister. After the usual compliments upon his appointment, I expressed to him the regret I felt at the extraordinary reserve of his court towards that of London, and my extreme disappointment at the refusal which had been signified to me by count Soltykoff to communicate to me the secret arrangements concluded at Tilsit. I observed that this refusal made it impossible for the king my master to avail himself of his imperial majesty's offer of mediation; for how, said I, could it be expected that his majesty would accept the mediation of a sovereign, between whom and Bonaparte there was every appearance of intimate union and secret understanding, and from whom his majesty had not been able to obtain any mark whatever of friendship and confidence? I added, that I was the more surprised at this conduct, because, notwithstanding the grounds of dissatisfaction which the published articles of the treaty of Tilsit afforded to his majesty, such was his partiality towards his august ally, that he had been disposed to look upon them as forced upon his imperial majesty by the unfortunate circumstances of the moment; and I had, even since the knowledge of these public articles, been authorized to give fresh assurances of the desire of his majesty to renew the intimacy and confidence which had before subsisted between the two courts. Count Romanzow answered, that the emperor's friendship for his majesty had been proved by his anxiety that peace should be concluded between England and France, and that his impartiality had been manifested by his offer of mediation; impartiality being the necessary attribute of a mediator. After giving the obvious answer to his novel mode of reasoning, I expressed my hope that the union of the two departments of commerce and foreign affairs in the same person would accelerate the negotiation of the treaty of commerce. Nearly a month had elapsed since the arrival here of a projet of a treaty transmitted by M. Alopeus, and yet I have not been able to obtain an answer whether the stipulations of that projet of a treaty were approved of here, or even whether the Russian government were disposed to enter at all into negotiations upon this subject. Count Romanzow assured me that he never heard of this projêt but from sir Stephen Shairp; that since he had received the portefeuille of the foreign affairs, he had enquired for it, but it could not be found, and that he supposed it must be among the papers of the emperor. I proposed to send him a copy; which he declined to accept, saying, that he would, in the first instance, acquaint the emperor that I had requested an answer from this government upon the question of the renewal of the treaty of commerce. I took this opportunity of observing to him that M. Alopeus had asked for this project; and that therefore, unless a perfect change had taken place in the friendly dispositions of this court, the emperor would certainly approve of our entering into negociation upon it, though it might happen that some of the provisions of it might possibly be considered here as not wholly free from objection. He said, that he was happy to hear from sir Stephen Shairp, that the projet contained nothing contrary to the regulations prescribed in the manifesto of the 1st January, for that was a fundamental law of the country: and after boasting of the indulgence he had shewn to the English merchants in the execution of this act, he shewed a wish to end our conference, by beginning a conversation on different subjects.

No. VIII.—Dispatch from the Right Hon. Lord Granville Leveson Gower to Mr. Secretary Canning, dated St. Petersburgh, 19th Sept. (Oct. 1.) 1807.—Received Oct. 28th.

Sir, I had the honour, by the last messenger, to inform you of my having communicated to count Romanzow a copy of the capitulation of Copenhagen, accompanied by a short note, in which I expressed my hope that this capitulation might be followed by the re-establishment of Peace between Great Britain and Denmark. Six days after I received the enclosed note from the Russian minister. The pretensions set forth in this paper, and the tone in which they are urged, appear to me to be of a nature to call for an immediate answer. In my reply (of which I enclose a copy) I endeavoured to satisfy the Russian minister that his majesty's government had, in the communications which I had been authorized to make, shewn every reasonable mark of respect and consideration for his imperial majesty, notwithstanding his change of system and principles; but I thought it no less necessary to let the Russian minister clearly understand, that his majesty was not to be frightened out of the pursuit of such measures as he might judge expedient for the security of his empire, by any indirect menace or intimation of the displeasure of the emperor of Russia. At the same time that I sent this answer, I requested a conference with count Romanzow, with the view of extracting from him some explanation of the expression, "que l' empereur se doit à lui-même comme aux interêts de son empire de ne pas s'y montrer insensible." Two days and a half passed without any notice being taken of this request of a conference. I renewed my demand; when on the following day count Romanzow wrote that he intended passing two days at Gatschina, the palace of the empress mother, but that on his return on Wednesday he would receive me. I accordingly called upon him this day. Upon my entrance he made many apologies for not having appointed an earlier day for our conference. I told him that my impatience proceeded from my wish to avoid all possible misunderstanding between our two courts; that I was sorry to observe, that in the note which he addressed to me, he had made use of certain expressions which would with great reason create considerable uneasiness in England; that he must be sufficiently well acquainted with the British government to know that whatever might be the wishes and views of this court, no more effectual mode could have been adopted to prevent their receiving that attention which had uniformly been given to the representations of this country, than the use of language which implied menace. I acknowledged that the very current reports of an embargo being about to be laid upon English ships in Russian ports, (which reports, I was sorry to observe, had originated with a person employed in the office for foreign affairs,) had perhaps the effect of making me attribute a more hostile sense to some parts of the note than what was really intended by his excellency; but that the knowledge of these reports would certainly reach England, and that it was now therefore, in the highest degree essential, that I should receive from him assurances that the emperor entertained no hostile intentions towards Great Britain. Count Romanzow answered, that I must be aware, how little worthy of credit were the frequent reports that had been raised at St. Petersburgh, of an embargo being to be laid upon English ships; and that he could assure me that the Russian government had not even thought of such a measure. But upon my construing his words into an assurance, that no embargo would take place, and expressing the satisfaction I should feel in transmitting such an assurance to my court, he replied, that he was not authorised to say any thing to me of the future intentions of his sovereign; that neither he nor the Danish minister had received any accounts from Kiel since the capture of Copenhagen, that the emperor, therefore, being as yet unacquainted with the sentiments or views of the prince royal of Denmark since that event, naturally waited for the communication of them before his imperial majesty could make up his own opinion upon the question. Count Romanzow then asked me, whether it was the intention of his majesty's government to restore the ships to the king of Denmark in the case of peace being concluded with France. I observed, that hostilities having commenced, the possession of the Danish fleet had been obtained by force, and not by negociation; and that he would see, by the terms of the capitulation, that no such condition had been agreed to by the commanders of his majesty's forces; but that I had received no dispatches whatever from you since the news of the capture of Copenhagen had reached London. I have the honour, &c.

GRANVILLE LEVESON GOWER.

(First inclosure referred to in No. 8.)

The undersigned has had the honour to lay before the emperor, the note and the copy of the capitulation of Copenhagen, transmitted to him by his excellency lord G. L. Gower. His imperial majesty has viewed with infinite concern all the misfortunes which have overwhelmed a monarch, to whom he is attached by the ties of blood, and of those of a long friendship. When the British ministry conceived the design of despoiling Denmark of her fleet: when they dispatched for that purpose to the Baltic, a numerous land force and a considerable fleet: they gave no intimation of it to his imperial majesty. This silence, this extreme reserve, may serve as a proof, that the cabinet of St. James's were themselves persuaded, that what they were undertaking was directly contrary to the interests of Russia. So in fact it is, and the emperor owes it two himself, and to the interests of his empire, not to shew himself insensible to it. His majesty considers himself as guarantee of the security and of the tranquillity of the Baltic Sea; at what period have the tranquillity and the security of that sea been so molested as in this instance? The undersigned, having apprized his Britannic majesty's ambassador of the sentiments of the emperor his master, avails himself of this opportunity, &c. (Signed) COUNT NICHOLAS DE ROMANZOFF. St. Petersburgh, Sept. 1, 1807.

(Second inclosure, referred to in No. 8.)

The undersigned, his Britannic majesty's ambassador, has the honour to acknowledge the receipt of the note of yesterday's date, which the count de Romanzoff addressed to him. He will lose no time in transmitting it to his court, but the charges which it contains against the British government, impose on the undersigned the duty of requesting his excellency to submit without delay to his imperial majesty some observations, which may place in their true light the reciprocal proceedings of both powers. Although the celerity indispensible to the execution of the measure of precaution adopted with regard to Denmark, did not allow of any anterior communications, the note of the undersigned, dated the 2d September, so far from concealing the reasons which produced that expedition, declared them with frankness, and the explanation of them was repeated and accompanied with details in the highest degree satisfactory, at the first conference of the undersigned with the ministry of that day. The secret articles of the Treaty of Tilsit are moreover still unknown to the court of London; and the undersigned has vainly required a communication of those arrangements, the execution of which daily developes objects in no way conformable to the spirit of the ancient alliances, and absolutely prejudicial to those interests, the maintenance of which formerly constituted an essential part of the Russian system. Is it, then, for Russia to complain of secrecy, whilst that court absolutely refuses the only explanation which could have been satisfactory to the court of London, as to the intentions and the projects meditated with regard to her? This silence, this extreme reserve, may serve as proof that the cabinet of St. Petersburgh were themselves persuaded that their secret arrangements were directly contrary to the interests of Great Britain. As to the tranquillity of the Baltic, England has never recognized any exclusive rights, and whatever may have been the pretensions of Russia to the title of guarantee of the security of that sea, her silence at the period when every port from Lubeck to Memel was shut against the British flag, appears an open abandonment of those pretensions. (Signed) GRANVILLE LEVESON GOWER, 12 (24) September, 1807.

No. IX.—Extract of a Dispatch from Lord Granville Leveson Gower, to Mr. Secretary Canning, dated St. Petersburgh, October 29th, 1807.

Sir Robert Wilson arrived here on Saturday the 17th, and delivered to me your dispatches. The emperor having returned from the inspection of his army in Poland, only on Thursday last, and count Romanzow having for some days previous to that time been waiting at Gatschina the arrival of his imperial majesty, it was not till Saturday night that I succeeded in obtaining a conference with the Russian minister. My reports of the change of ministry here, and of the unfriendly tone which has marked the communication I have received from this government since that change, will have dissipated the hopes which the account of my last conversation with general Budberg and other representations had led his majesty's government to entertain of the future conduct of this court. I began my conference with count Romanzow, by saying, that I had received instructions which were written under an impression that there existed in this cabinet a disposition to renew its former footing of confidence with the English government; I explained to him fairly what had caused this impression, and added that though his majesty could regard the energy and resources of his own people as the only sure foundation of the safety and prosperity of his kingdom, yet that he was always inclined to avail himself of any opportunity which this court might afford for re-establishing that union and confidence which appeared advantageous to the mutual interests of both countries, and almost essential for the recovery of the independence of Europe, that the communications I had received from his excellency, and the conduct of this government since the portefeuille of foreign affairs had been committed to his hands, had so changed the state of things, that I almost doubted whether I should be justified in executing the instructions I had received; but that trusting that he would do justice to the persevering moderation of his majesty, I would state to him with frankness what was the nature of these instructions. His majesty's declaration, I observed, sufficiently explained to Europe, that the court of London had no views of aggrandizing or enriching itself at the expence of Denmark. For the security of the British dominions, his majesty had been forced to remove out of the reach of France the naval means of Denmark; but the object being accomplished, the English government were ready to forego any advantage that might be derived to Great Britain from the continuance of this war; and his majesty was ready to concert with Russia the means of re-establishing the tranquillity of the north of Europe. That object could be obtained only by the restoration of the neutrality of Denmark, and that neutrality could be rendered real and permanent only through the means of Russia. The court of Petersburgh, I said, were even more interested than the court of London in the success of this negociation. Count Romanzow answered, "How can Russia recommend to Denmark to submit to the affront she had received, and to endure with patience all her losses?" I replied, "If by the continuance of the war, Denmark could hope to recover her fleet, she might with reason be indisposed to listen to such advice; but when it was evident to every person who reflected for a moment on the actual state of things, that the court of Copenhagen, by the continuance of the war, could gain nothing but the entrance of a French army into the body of its territory, I could not but think that a friendly representation from a neutral power, of a danger which threatened the very existence of Denmark, might recall the Prince Royal to a more dispassionate consideration of the real interests of his country." Count Romanzow repeated to me, that he did not see how the court of Petersburgh could interfere, but added, he could give me no positive answer to what I had represented to him, till he had made his report of my communication to his imperial majesty.

No. X.—Extract of a Dispatch from the Right Honourable Lord Granville Leveson Gower to Mr. Secretary Canning, dated Saint Petersburgh, Oct. 29.—Received Nov. 28th.

I have the honour to inclose a copy of an official note, which, in consequence of the instructions contained in your dispatch of the 27th Sept. I immediately addressed to count Romanzow, upon the question of the proffered mediation of Russia. It is now nearly ten days since I sent it, and have as yet received no answer.

(Inclosure referred to in No. 10.)

Notwithstanding his excellency the minister for foreign affairs has anounced his imperial majesty's determination not to make any confidential communication of the secret articles contained in the treaty of peace between Russia and France, a determination which the Russian minister has been apprised must render fruitless the offer of mediation proposed by the court of St. Petersburgh, the undersigned, his Britannic majesty's ambassador, cannot nevertheless entirely abandon his solicitations without requesting his excellency count Romanzow to furnish him with a statement of the reasons which may have produced this reserve. His excellency will see moreover, that discussion in which the destinies of so many nations are involved, and which have had for their object the re-establishment of general tranquillity, cannot with propriety be terminated by an avowal purely verbal. The undersigned therefore hastens to communicate in an official shape to the imperial ministry, the wishes of his sovereign, and he cherishes the hope that the Russian government, agreeably to the desire uniformly testified by the British ministry to preserve the ancient relation of confidence between the courts of London and Saint Petersburgh, will no longer hesitate to furnish him with the communication he requires, accompanied by the specification of the principles of honour and equity which his imperial majesty had reason to be convinced the French government was desirous of establishing as the basis of a negociation of peace between England and France. (Signed) G. L. Lower. Oct. 11, (23) 1807.

No. XI.—Extract of a Dispatch from the Honourable Lord Granville Leveson Gower, to Mr. Secretary Canning, dated Saint Petersburgh, Nov. 4th, 1807.—Received Dec. 2.

St. Petersburgh, Nov. 4, 1807.

On Saturday morning, the 31st ultimo, no notice having been taken by count Romanzow, either of my note of the 23d, or of my verbal overtures respecting Denmark, I requested of his excellency an early conference. On Monday I wrote a second note to the Russian minister, in which I expressed my regret at being under the necessity of reminding him that I had two days before requested a conference. I yesterday afternoon received an answer, in which he informs me, that he is by order of the emperor going to Gatschina, and that he cannot, till his return to St. Petersburgh, mention the time when he can receive me. This detail of the difficulties I have experienced in obtaining an interview with count Romanzow will, I trust, acquit me in the opinion of his majesty of any dilatoriness in the execution of your instructions. I confess than I am at a loss to find any satisfactory explanation of this wish to avoid communication with me. I have been informed that some members of the council, who have been consulted in the present very critical state of affairs, had advised the emperor not to reject the present opportunity of re-establishing the tranquillity of the North of Europe; that their opinion has been adopted; and that a note has been written to general Savary, with a view of engaging the French government to consent to the restoration of the neutrality of Denmark. The French general has remonstrated violently against this measure; and the Russian cabinet alarmed by the violence of his language, is undecided what answer to return to the overture received from England. But the fear of Bonaparte's displeasure will no doubt prevail.

No. XII.—Extract of a Dispatch from the right honourable lord Granville Leveston Gower to Mr. Secretary Canning, dated Saint Petersburgh, 8th November, 1807.—Received Dec. 2.

I had the honour of apprizing you by the last messenger, of the difficulty I had experienced in obtaining a conference with count Romanzow. I yesterday wrote a letter to him, of which the inclosed is a copy, and I this morning received the inclosed note. The contents of this paper are so extremely important, that I will not detain sir Robert Wilson, by making any observations upon the unfounded assertions and misrepresentations with which it abounds. This violent measure has been produced by a peremptory demand (brought by the last messenger from Paris) of the immediate execution of all the secret articles of Tilsit: and the French mission have boasted, that, after some difficulties, they have gained a complete triumph, and have carried not only this act of hostility against England, but also every other point essential to the success of Bonaparte's views. I intend asking for passports to-morrow, and shall set out in the course of a few days. P. S.—I inclose a copy of a printed declaration, which has been sent by the Russian government to all the foreign ministers residing at this court.

(First Inclosure, referred to in No. 12.)

The ambassador of his Britannic majesty has repeatedly signified for more than a week his desire to converse with his excellency the count Romanzow: his sollicitations have been hitherto fruitless, but the ambassador deems it his duty to renew once more his application, previous to announcing to his court the apparent determination of his excellency to avoid the customary communications. Oct. 26, (Nov. 7), 1807.

(Second Inclosure, referred to in No. 12.)

The emperor, who in the course of the war which he has just terminated, had to complain of the conduct of England towards him, suppressed his just resentment in the consoling hope, that the peace he had so lately concluded would lead to a general peace. He had constituted himself mediator, he had subsequently offered his mediation in acquainting his Britannic majesty that his desire was to obtain for him an honourable peace.—England rejected his offices. It seemed as if her views were not to suffer the flames of war not to be extinguished, but to kindle them anew in the North by an event sudden and novel. The fleets and armies of his Britannic majesty came to perpetrate against Denmark, an act of which history furnishes no example. The emperor, who, to the knowledge of England was a guarantee of the tranquillity of the Baltic, which is a close sea; the emperor, who had been forewarned of nothing, did not conceal his resentment; and, in a second note delivered to lord Gower, informed England, that he did not intend to remain a quiet spectator of what had befallen a king, his relation and his friend. The emperor confesses, he did not foresee, that, after this declaration, England would make him the proposal of undertaking to convince Denmark, that it was her interest to submit to what had recently befallen her, and to render Russia guarantee, that Great Britain should possess in perfect security that which she had so lately wrested from Denmark. The Prince Royal of Denmark had not ratified the convention of Copenhagen. As to the second proposals which were made to him he has again represented to his imperial majesty how greatly he was irritated by this new procedure of the British ministry towards him. The emperor, penetrated with the confidence which the Prince Royal reposed in his friendship, having considered his own wrongs against England, having maturely examined his engagements with the powers of the North, engagements entered into by the empress Catharine and his majesty the late emperor, both of glorious memory, has resolved to fulfil them. His majesty has therefore ordered the undersigned to declare to his excellency, lord G. L. Gower, his Britannic majesty's ambassador, that his imperial majesty breaks off all communication with England. His imperial majesty recalls the whole of his mission in that country, and will not allow that of his Britannic majesty to remain at his court. There shall henceforward be no relations between the two countries. The emperor declares that he annuls for ever every act heretofore concluded between Great Britain and Russia, and especially the convention of 5-17 June 1801. He proclaims anew the principles of the Armed Neutrality, that monument of the wisdom of the empress Catharine, and pre-engages never to depart from that system. He demands from England complete satisfaction for his subjects on all their just claims for ships and merchandise seized or detained against the express tenor of the treaties concluded during his own reign. The emperor declares, that no arrangements shall take place between Russia and England until the latter shall have given satisfaction to Denmark. The emperor expects, that his Britannic majesty, instead of permitting his ministers, as has lately been the case, to scatter anew the seeds of war, listening, only to the dictates of his own feelings, would lend his assistance to the conclusion of a peace with his majesty the emperor of the French, which would extend the incalculable blessings of peace over the whole world. When the emperor shall be satisfied upon all the preceding points, and especially as to the peace between France and England, without which no part of Europe can promise itself real tranquillity, his imperial majesty will then readily renew with Great Britain the relations of friendship, which considering the dissatisfaction which the emperor so justly feels, he has, perhaps, already preserved too long. The undersigned, having thus fulfilled the orders of the emperor his master, requests his excellency the ambassador to lay the contents of this note, without delay, before the king his sovereign. (Signed) The Count Nicolas Romanzow. St. Petersburgh, 27th Oct. (9th Nov.) 1807.

DECLARATION OF THE EMPEROR OF RUSSIA.

The great value the Emperor attached to the friendship of his Britannic Majesty, the greater was his regret at perceiving that that monarch altogether separated himself from him. Twice has the emperor taken up arms, in which his cause was most directly that of England; and he solicited in vain from England a co-operation which her interest required. He did not demand that her troops should be united with his; he desired only that they should effect a diversion. He was astonished that in her cause she did not act in union with him; but coolly contemplating a bloody spectacle, in a war which had been kindled at her will, she sent troops to attack Buenos Ayres. One part of her armies, which appeared destined to make a diversion in Italy, quitted at length Sicily where it was assembled. There was reason to believe that this was done to make an attack upon the coasts of Naples, when it was understood that it was occupied in attempting to seize and appropriate to itself Egypt.—But what sensibly touched the heart of his imperial majesty was, to perceive that England, contrary to her good faith and the express and precise terms of treaties, troubled at sea the commerce of his subjects. And at what an epoch! When the blood of the Russians was shedding in the most glorious warfares; which drew down, and fixed against the armies of his imperial majesty, all the military force of his majesty the emperor of the French, with whom England was, and is now at war. When the two emperors made peace, his majesty, in spite of his just resentments against England, did not refrain from rendering her service. His majesty stipulated, even in the very treaty, that he would become mediator between her and France; and finally he offered his mediation to the king of Great Britain. His majesty announced to the king, that it was with a view to obtain for him honourable conditions. But the British ministry, apparently faithful to that plan which was to loosen and break the bonds which had connected Russia and England, rejected the mediation. The peace between Russia and France was to prepare a general peace. Then it was that England suddenly quitted that apparent lethargy to which she had abandoned herself; but it was to cast upon the North of Europe new firebrands, which were to enkindle and nourish the flames of war, which she did not wish to see extinguished. Her fleets and her troops appeared upon the coasts of Denmark, to execute there an act of violence of which history, so fertile in examples, does not furnish a single parallel. A tranquil and moderate power, which by long and unchanging wisdom had obtained in the circle of monarchies a moral dignity, sees itself assaulted and treated as if it had been forging plots, and meditating the ruin of England; and all to justify its prompt and total spoliation. The emperor, wounded in his dignity, in the interests of his people, in his engagements with the courts of the North, by this act of violence committed in the Baltic, which is an enclosed sea, whose tranquillity had been for a long period, and with the privity of the cabinet of St. James's, the subject of reciprocal guarantee, did not dissemble his resentment against England, and announced to her that he could not remain insensible to it. His majesty did not foresee that when England, having employed her force successfully, was about to bear away her prey, she would commit a new outrage against Denmark, and that his majesty was to share in it. New proposals were made, each more insidious than the foregoing, which were to connect with the British power, Denmark subjected, disgraced, and affecting to applaud what had been wrought against her. The emperor still less foresaw that it would be proposed to him that he should guarantee this submission, and that he should pledge himself that this act of violence should have no unpleasant consequences to England. Her ambassador believed that it was possible to propose to his majesty's ministry, that his majesty should become the apologist and the protector of what he had so loudly blamed. To this proceeding of the cabinet of St. James's, the emperor paid no other attention than it deserved. He thought it time to put limits to his moderation. The prince royal of Denmark, endowed with a character full of energy and nobleness, and possessing from providence a dignity equal to his high rank, had informed the emperor, that justly incensed at what had taken place at Copenhagen, he had not ratified the convention, and considered it as of no effect. At this moment he has just communicated to his imperial majesty new proposals which have been made to him, which serve only to inflame his resistance instead of appeasing it; because they tend to impress upon his actions the seal of degradation, the impression of which they have never borne. The emperor, touched with the confidence which the prince royal placed in him, and having considered his own peculiar complaints against England; having maturely examined, too, the engagements which he had entered into with the powers of the North—engagements formed by the empress Catharine, and by his late majesty the emperor, both of glorious memory—has resolved to fulfil them. His imperial majesty, therefore, breaks off all communication with England; he recals the whole of the mission which he has sent thither; and no longer chuses to keep with him that of his Britannic majesty. There shall from henceforth be no connection between the two countries. The emperor declares, that he annuls, and for ever, every preceding convention between England and Russia, and particularly that entered into in 1801, the 5th (17th) of the month of June. He proclaims anew the principles of the armed neutrality, that monument of the wisdom of the empress Catharine, and engages never to recede from that system. He demands of England complete satisfaction to all his subjects, for their just reclamations of vessels and merchandize, detained against the express tenor of treaties concluded in his own reign. The emperor engages, there shall be no re-establishment of concord between Russia and England, till satisfaction shall have been given to Denmark. The emperor expects that his Britannic majesty, instead of suffering his ministers, as he does, to scatter the seeds of fresh war, listening only to his own feelings, will be disposed to conclude such treaty, with his majesty the emperor of France, as shall prolong (to use the expression) interminably (à toute la terme), the invaluable blessings of peace.—When the emperor shall be satisfied upon all the preceding points, and especially upon that of peace between France and England, without which no part of Europe can promise itself real tranquillity, his imperial majesty will then gladly resume with Great Britain those relations of amity, which, under the just discontent which he could not but feel, he has, perhaps, preserved too long.—Given at St. Petersburgh 20th (31st) October.

PAPERS RELATING TO THE EXPEDITION TO COPENHAGEN.

I.—Proclamation.—By the Commanders in Chief of His Majesty's Forces by Sea and by Land.

Whereas the present treaties of peace, and the changes of government, and of territory acceded to, and by so many powers, have so far increased the influence of France on the continent of Europe, as to render it impossible for Denmark, though it desires to be neutral, to preserve its neutrality; and absolutely necessary for those who continue to resist the French aggression, to take measures to prevent the arms of a neutral power from being turned against them.—In this view, the king cannot regard the present position of Denmark with indifference; and his majesty has sent negotiators, with ample powers, to his Danish majesty, to request, in the most amicable manner, such explanations as the times require, and a concurrence in such measures, as can alone give security against the further mischiefs which the French meditate through the acquisition of the Danish navy.—The king, our royal and most gracious master, has therefore judged it expedient to desire the temporary deposit of the Danish ships of the line in one of his majesty's ports.—This deposit seems to be so just, and so indispensably necessary, under the relative circumstances of the neutral and belligerent powers, that his majesty has further deemed it a duty to himself, and to his people, to support his demand by a powerful fleet, and by an army amply supplied with every preparation necessary for the most active and determined enterprise.—We come therefore to your shores, inhabitants of Zealand! not as enemies, but in self-defence, to prevent those who have so long disturbed the peace of Europe, from compelling the force of your navy to be turned against us.—We ask deposit; we have not looked to capture; so far from it, the most solemn pledge has been offered to your government, and it is hereby renewed, in the name and at the express command of the king our master, that if our demand is amicably acceded to, every ship belonging to Denmark shall, at the conclusion of a general peace, be restored to her, in the same condition and state of equipment, as when received under the protection of the British flag.—It is in the power of your government, by a word, to sheath our swords, most reluctantly drawn against you; but if, on the other hand, the machinations of France render you deaf to the voice of reason, and to the call of friendship, the innocent blood that will be spilt, and the horrors of a besieged and bombarded capital, must fall on your own heads, and on those of your cruel advisers.—His majesty's seamen and soldiers, when on shore, will treat Zealand, as long as your conduct to them permits it, on the footing of a province of the most friendly power in alliance with Great Britain, whose territory has the misfortune to be the theatre of war.—The persons of all those who remain at home, and who do not take an hostile part, will be held sacred.—Property will be respected and preserved, and the most severe discipline will be enforced.—Every article of supply furnished or brought to market will be paid for at a fair and settled price; but as immediate and constant supplies, especially of provision, forage, fuel, and transport, are necessary to all armies, it is well known that requisitions are unavoidable, and must be enforced.—Much convenience must arise to the inhabitants, and much confusion and loss to them will be prevented, if persons in authority are found in the several districts, to whom requisitions may be addressed, and through whom claims for payment may be settled and liquidated.—If such persons are appointed, and discharge their duty without meddling in matters which do not concern them, they shall be respected, and all requisitions shall be addressed to them through the proper channels and departments of the navy and army; but as forbearance on the part of the inhabitants is essential to the principle of these arrangements, it is necessary that all manner of civil persons should remain at their respective habitations; and any peasants or other persons found in arms singly or in small troops, or who may be guilty of any act of violence, must expect to be treated with rigour.—The government of his Danish majesty having hitherto refused to treat this matter in an amicable way, part of the army has been disembarked, and the whole force has assumed a warlike attitude; but it is, as yet, not too late for the voice of reason and moderation to be heard. Given in the Sound, under our hands and seals, this 16th day of Aug. 1807. (Signed) James Gambier. Cathcart.

II.—In Adm. Gambier's, Aug. 20, 1807.

Hostilities having commenced on the part of the English, I hereby declare, in virtue of the highest authority, that all English property be laid under sequestration; which each and every one is accordingly enjoined, to report the English property of what kind or nature soever to the police, who will make the further necessary arrangements: any one who conceals or does not fulfil this Order, will be considered as a traitor to the country. (Signed) Peyman. Copenhagen, Aug. 16, 1807.

III.—To his Excellency General Peyman, Commander in Chief of the Danish Land Forces. Dated, British Head Quarters before Copenhagen, Sept. 1, 1807.

Sir; We, the commanders in chief of his majesty's sea and land forces now before Copenhagen, judge it expedient, at this time, to summon you to surrender the place, for the purpose of avoiding the further effusion of blood, by giving up a defence, which it is evident cannot long be continued.—The king, our gracious master, used every endeavour to settle the matter now in dispute, in the most conciliating manner, through his diplomatic servants.—To convince his Danish majesty and all the world, of the reluctance with which his majesty finds himself compelled to have recourse to arms, we, the undersigned, at this moment, when our troops are before your gates, and out batteries ready to open, do renew to you the offer of the same advantageous and conciliating terms, which were proposed through his majesty's ministers to your court.—If you will consent to deliver up the Danish fleet, and to our carrying it away, it shall be held in deposit for his Danish majesty, and shall be restored, with all its equipments, in as good state as it is received, as soon as the provisions of a general peace shall remove the necessity which has occasioned this demand.—The property, of all sorts, which has been captured since the commencement of hostilities, will be restored to its owners; and the union between the united kingdom of Great Britain and Ireland, and Denmark, may be renewed.—But, if this offer is rejected now, it cannot be repeated. The captured property, public and private, must then belong to the captors; and the city, when taken, must share the fate of conquered places.—We must request an early decision; because, in the present advanced position of the troops, so near your glacis, the most prompt and vigorous attack is indispensable, and delay would be improper. We therefore expect to receive your decision by this evening. We have the honour to be, &c. (Signed) James Gambier, admiral of the blue, and com. in chief of his majesty's ships and vessels. Cathcart, lieut. general, &c.

IV.—To his Excellency Adm. James Gambier, Lord Cathcart, Comrs. in Chief of the British Sea and Land Forces. Dated Copenhagen, Sept. 1, 1807.

My lord; Our fleet, our own indisputable property, we are convinced is as safe in his Danish majesty's hands as ever it can be in those of the king of England, as our master never intended hostilities against yours.—If you are cruel enough to endeavour to destroy a city, that has not given any the least cause to such a treatment at your hands, it must submit to its fate; but honour and duty bid us reject a proposal unbecoming an independent power; and we are resolved to repel every attack, and defend to the utmost the city, and our good cause; for which we are ready to lay down our lives.—The only proposal in my power to make, in order to prevent further effusion of blood, is, to send to my royal master, for learning his final resolution with respect to the contents of your letter, if you will grant a passport for this purpose.—I am, &c. Peimann.

V.—To his Excellency General Peimann, &c. Dated Head Quarters before Copenhagen, Sep. 2, 1807.

Sir; It is with great regret that we acquaint you, that it is not in our power to suspend our combined operations, during the time necessary for consulting your government: we having done the utmost within the limits of our authority, in offering to you at this moment terms as advantageous as those which were proposed to prevent a rupture.—We shall deeply lament the destruction of the city, if it is injured; but we have the satisfaction to reflect that in having renewed to you, for the last time, the offer of the most advantageous and conciliating terms, we have done our utmost to save the effusion of blood, and prevent the horrors of war. We have the honour to be, &c. James Gambier, admiral, &c. Cathcart, lt. gen. &c.

A.—To the Commanders in Chief of the British Sea and Land Forces. Dated Copenhagen, Sept. 5, 1807.

My lords; For preventing further effusion of blood, and not exposing the city to the sad consequences of a longer bombardment, I propose an Armistice of four-and-twenty hours; in order to come to an Agreement that may lead to the settling of the Preliminary Articles of a Capitulation. It is with the highest personal consideration, I have, &c. Peimann.

To his Excellency Major Gen. Peimann. Dated Head Quarters before Copenhagen, Sept. 5, 1807.

Sir; The same necessity which has obliged us to have recourse to arms in the present occasion, compels me to decline any overture which might be productive of delay only. But to prove to you my ardent desire to put an end to scenes, which I behold with the greatest grief, I send an officer, who is authorized to receive any Proposal you may be inclined to make, relative to the Articles of Capitulation, and upon which it may be possible for me to agree to any, even the shortest Armistice. I have, &c. Cathcart, lieut. general.

B.—To Lord Cathcart, Commander in Chief of the British Forces. Dated Copenhagen, Sept. 5, 1807.

My lord; The Proposal has been made without any the least dilatory intention; but the night being too far advanced for deliberating upon a matter of such very high importance, with the respective departments, a measure necessary on account of his majesty's absence, and that of the Prince; and my state of health not permitting me to proceed as expeditiously as I wish, I engage to send to-morrow before 12 o'clock, the Articles relative to the Capitulation: and have in the mean time the honour to be, &c. Peimann.

To his Excellency Maj. General Peimann, &c. Dated Head Quarters before Copenhagen, Sept. 6, 1807.

Sir; having communicated to admiral Gambier your letter received this morning, together with those of last night, I have to acquaint you, that we will consent to treating with you for the Capitulation of Copenhagen, on the basis of your delivering up the Danish Fleet. But as you have not forwarded Articles of Capitulation, officers of rank in the sea and land service of his majesty shall be sent forthwith, to prepare Articles with you or with the officers you may appoint, and which may, if possible, unite the objects you have in view, in regard to the occupation of Copenhagen, with the performance of the service intrusted to us. I have &c. Cathcart, lieut. gen.

C.—To Lord Cathcart, Commander in Chief of the British Troops. Dated Copenhagen, Sept. 6, 1807.

My lord; I accept of your Proposal, with respect to the delivering up of his majesty's Fleet, as the fundamental basis of negotiations; but with this proviso, that no other English troops enter the city, than those commissaries, officers, and military men, who shall be stipulated and agreed on, in the course of the said negotiations. I have &c. Peimann.

D.—To Lord Cathcart, Commander in Chief of the British Troops. Dated Copenhagen, Sept. 6, 1807.

My lord; As soon as you shall be pleased to appoint a neutral place out of the town where to meet on both sides, for regulating the Articles of Capitulation, officers provided with full powers for negociating, shall be sent; and in the interim, the Armistice is considered as subsisting, till contrary orders shall be given. I have, &c. Peimann.

To his Excellency Major General Peimann. Dated Head Quarters before Copenhagen, Sept. 6, 1807.

Sir; The officers appointed to treat with you, are major general the right hon. sir A. Wellesley, k. b. sir Home Popham, captain of the fleet, and lieut. col. Murray, deputy quarter master general of the army. These officers are waiting at the barrier, and will meet the officers named by you, at any place you may appoint for immediate discussion, between our advanced posts and your lines. Orders were given to desist from the bombardment, and to cease firing, the moment your first letter was received; but there has been no Armistice concluded; a proof of which is, that a house in the suburbs has been set on fire within these few minutes, by your people, close to our centinels. As we have already stated, more than once, we can admit of no delay in this business, and therefore it will immediately appear whether the Articles proposed, are of such a nature as to warrant an Armistice. I have the honour to be, &c. Cathcart, lieut. general.

Capitulation.—Articles of capitulation for the town and citadel of Copenhagen; agreed upon between major general the right hon. sir Arthur Wellesley, k. b. sir Home Popham, knight of Malta, and captain of the fleet; and lieut. col. George Murray, deputy quarter-master general of the British Forces; being thereto duly authorized by James Gambier, esq. admiral of the blue, and commander in chief of his Britannic majesty's ships and vessels in the Baltic; and by lieut. general the right hon. lord Cathcart, knight of the thistle, commander in chief of his Britannic majesty's Forces in Zealand, and the north of the continent of Europe, on the one part: And by major general Waltasdorff, knight of the order of Danebroze, chamberlain to the king, and col. of the North Zealand regiment of infantry; rear admiral Lietken, and J. H. Kirkhoff, aid-de-camp to his Danish majesty; being duly authorised by his excellency major general Peimann, knight of the order of Danebroze, and commander in chief of his Danish majesty's Forces in the island of Zealand, on the other part.

Article I. When this Capitulation shall be signed and ratified, the troops of his Britannic majesty are to be put in possession of the citadel.—II. A guard of his Britannic majesty's troops shall likewise be placed in the Dock Yard.—III. The Ships and Vessels of war of every description, with all the Naval Stores belonging to his Danish majesty, shall be delivered into the charge of such persons as may be appointed by the commanders in chief of his Britannic majesty's forces, and they are to be put in immediate possession of the Dock Yards, and all the buildings and storehouses belonging thereto.—IV. The Store Ships and Transports in the service of his Britannic majesty, are to be allowed if necessary to come into the harbour, for the purpose of embarking such stores and troops as they have brought in to this island.—V. As soon as the ships have been removed from the Dock Yards, or within six weeks from the date of this Capitulation, or sooner if possible, the troops of his Britannic majesty shall deliver up the citadel to the troops of his Danish majesty, in the state in which it will be found when they shall occupy it; his Britannic majesty's troops shall likewise within the before-mentioned time, or sooner if possible, be embarked from the island of Zealand.—VI. From the date of this Capitulation, hostilities shall cease throughout the island of Zealand.—VII. No person whatsoever shall be molested, and all property public or private, with the exception of the Ships and Vessels of War, and the Naval Stores before-mentioned belonging to his Danish majesty, shall be respected; and all civil and military officers in the service of his Danish majesty, shall continue in the full exercise of their authority throughout the island of Zealand: and every thing shall be done which can tend to produce union and harmony between the two nations.—VIII. All Prisoners taken on both sides, shall be unconditionally restored; and those officers who are prisoners on parole, shall be released from its effects.—IX. Any English Property that may have been sequestered in consequence of the existing hostilities, shall be restored to the owners. This Capitulation shall be ratified by the respective commanders in chief, and the ratifications shall be exchanged before 12 o'clock at noon this day. Done at Copenhagen, this 7th day of Sept. 1807. (Signed) Arthur Wellesley, Home Popham, George Murray.—(Signé) Ernst Frederick Waltasdorff, O. Lietken, J. H. Kirchhorff, Ratified by me Peimann.

Copy of a Letter from the Lords Commissioners of the Admiralty to the Viscount Castlereagh. Dated Admiralty Office, 30th January, 1808.

My lord; Having in compliance with the desire expressed in your lordships letter of the 28th instant, called upon admiral lord Gambier, to report in writing the information which his lordship had given verbally to his majesty's ministers, with respect to the state of preparation and equipment in which the Danish Navy was found on the surrender of Copenhagen; we transmit to your lordship a copy of the Report we have revceived from the admiral on the subject. And we are &c. R. Bickerton, W. J. Hope, Jas. Buller.

To the Hon. W.W. Pole,&c. dated Admiralty Office, 28th Jan. 1808.

Sir; In answer to your letter of this day's date, I have to acquaint you, that upon taking possession of the Arsenal at Copenhagen, the Fleet was found in such a state, that it could be equipped and sent to sea in a very short time; most of the ships were in condition for service, their lower masts were in, the top-masts, yards, rigging, sails, guns, and stores of every description, were so arranged in the arsenal, and in compartments in the store-houses, that they could be put on board on the shortest notice; there was no one article wanting which was necessary for their equipment, and it is certain that the Fleet could have been completely ready for sea in three weeks, or a month at most, as in a shorter space of time 16 sail of the line, 14 frigates of different classes, 8 sloops, and 2 smaller vessels, were fitted ready to be navigated to England, by the seamen of the Fleet under my command, with the assistance of some troops. There cannot be a stronger proof of the good condition of the Danish ships, than their having been brought to England, through much tempestuous weather, without suffering in their hulks in the least degree. I am &c. Gambier.

HOUSE OF COMMONS.

Tuesday, February 2.

[Vote of Thanks—Expedition to Copenhagen.] The Speaker acquainted the house, that he had received from lieut. general the right hon. lord viscount Cathcart, the following Letter, in return to the Thanks of this house, signified to him, in obedience to their commands of Thursday last: viz.

"Gloucester Place, Jan. 30, 1808.

"Sir; I take the earliest opportunity of acknowledging your letter of the 29th inst. transmitting authenticated copies of the Resolutions of the 28th inst. by which the house of commons have been pleased to vote their Thanks to the commander of the forces, to the general officers, and to the several officers of the army under his command, during the siege of Copenhagen, and to approve and acknowledge the regularity, discipline, valour, and exertions, of the non-commissioned officers and private men employed on that service; the house being further pleased to appoint, that these Resolutions shall be communicated by me to the generals and other officers who served in that army.—I have to request that you will have the goodness to state for me to the house, that it affords me great gratification to have the honour of communicating these Resolutions respectively, and without delay, to the several general officers named in your letter, and to the other officers of the army lately under my command. Several of these distinguished officers, and many of the non-commissioned officers and private soldiers, have already received the thanks of parliament, or the notification of the recorded approval of their services on former occasions; and I am confident that all of them will feel as they ought to do, the high distinction now conferred upon them; and that they will do credit to their country and to themselves where-ever they may be employed.—For my own part, sir, I find it impossible to express the sentiments which arise in my mind, on learning that any endeavours of mine, faithfully and conscientiously to discharge the duties of my profession as a British officer, entrusted with command on an important service, should have procured for me the Thanks of the house of commons.—Suffice it therefore to say, that I most gratefully receive this distinguished honour, with the most exalted respect for the house of parliament from whence it flows, and the greatest humility in regard to my own desert.—I beg to offer my best acknowledgements to you, sir, for the personal civilities with which you have been pleased to accompany the transmission of this signal mark of the approbation of the house of Commons; and I have the honour to be, sir, your most obedient, &c.

"Cathcart."

[Correspondence with the Bank.] Mr. *Tierney*, as the propriety of the late bargain between the Bank of England and the government, with a view to the public service, was to be discussed on Monday, thought it right to move that copies of all correspondence between the governor and deputy governor of the bank and the chancellor of the exchequer, since the 1st of May last, relative to the management of the public debt, the application of unclaimed dividends, and loans from the bank to the public, be laid before the house. The propriety of having these written documents was suggested by the recollection of the failure of the memory of Mr. Pitt and the governor of the bank for the time, as to the particulars of a conversation relative to a matter of this nature, which had passed between them not a month before they were called to speak to it; a matter which afterwards turned out to be a very profitable speculation for the bank.

The *Chancellor of the Exchequer* said, the present case was very different from that alluded to by the right hon. gent.; there was no extension of the charter of the bank in this case; the advantage of the arrangement was all on the side of the public. The arrangement arose from the suggestions of the Report of the Committee of Finance, submitted to the bank by his majesty's ministers, and acceded to with the usual liberality of that institution. In consenting to the motion, he acknowledged he saw no parliamentary ground for producing all the correspondence; many of the letters referred to conferences managed on the one part by himself, and on the other part by the governor and deputy governor. The substance of these conversations could not be stated.

Mr. *Thornton* said the negotiation had proceeded partly by means of letters, and partly by means of conferences managed on the part of the bank by the governor and deputy governor, the substance of which was reduced into a connected form, and submitted by the governor and deputy governor to the court of proprietors, then the whole was made the subject of an ultimate letter. He supposed the information contained in this letter would be sufficient, as it contained in a substantial and connected form, the essence of all that passed verbally in conference and in notes, referring to those conferences.—The papers were then ordered; of which the following are copies:

PAPERS

RELATING TO THE BANK OF ENGLAND.

No. I.—Copy of a Letter from the Chancellor of the Exchequer to the Governor and Deputy Governor of the Bank.

Downing-street, Dec. 23, 1807.

Gentlemen; The Paper, which I have herewith the honour to transmit, contains the Outlines of such an Arrangement as it appears to me, upon the most deliberate consideration of the Second Report from the Committee on Public Expenditure, it would be my duty to propose to the Bank of England. The principles referred to in this Paper, the facts stated, and the proposals deduced from them, are, as you will perceive upon its perusal, in substance the same as those which I have stated, and endeavoured to impress upon you, in the several conferences with which you have already honoured me upon this very important subject. My object, in making this written communication, is, that you may be enabled to consider at your leisure, the expectations, which, in my present view of the case, it appears to me I am entitled to maintain, and bound to uphold on the part of the public; and the grounds on which these expectations rest. At the same time, it is my wish to have it distinctly understood at this early stage of the business, that, sanguine as the expectation of the public may be with respect to the advantages to be derived from a new arrangement with the Bank, and however satisfied his majesty's government may feel that, to the extent stated in my proposals, such expectations are not unreasonable in the present state of affairs; and, considering the present profits of the Bank, nothing can be more remote from the intentions of government than to press these expectations to the infringement of any existing contract or engagement, or beyond what a fair interpretation of those engagements might appear to them to justify.—Your own discretion will point out to you to what extent you may feel it necessary, in the present stage of the discussion, to consult with other gentlemen in the Direction upon the subject of this Paper, and to impart its contents to them. It is only necessary for me to add, at present, that I shall at all times be ready to receive, with the utmost attention, any observations which you or they may have to offer on the subject, and that I shall abstain from requesting of you to submit any regular proposal to the Court of Directors, or to the Court of Proprietors at large, until I shall have received, and maturely considered, whatever remarks and suggestions may occur to you, or the gentlemen with whom you may advise, in consequence of the present communication. I have the honour to be, &c. S. PERCEVAL.

No. II.—Copy of a Paper inclosed and referred to in the Letter from the Chancellor of the Exchequer to the Bank; of the 23d Dec. 1807.

The Proposals founded on the Enquiries and Report of the Committee of Public Expenditure, and which are now made to the Bank, may be classed under three heads: 1st. Unclaimed Dividends.—2d. Charges of Management of the Public Debt.—3d. Balances arising from Deposits of Public Money in the hands of the Bank.

1st. UNCLAIMED DIVIDENDS.—As it appears by the Report of the Committee, that the Unclaimed Dividends amounted at that period of the year 1806 at which they were at the lowest, namely, on the 8th July, to 986,573*l.*; and that at the lowest period of some antecedent years they had not fallen below 900,000*l*, it is proposed to appropriate to the service of the ensuing year, under which similar provisions to those of the act of 1791, c. 33, the sum of 500,000*l.* in addition to that of 376,739*l.* advanced under that act; provided the balance shall not be reduced below 100,000*l.*; and this will be merely carrying into effect the principle which was acted upon in 1791. No reasonable objection seems likely to occur to this proposal, and it therefore appears unnecessary to go more at large into this part of the subject at present.

2d. CHARGES OF MANAGEMENT OF THE PUBLIC DEBT.—Referring upon this part of the subject, on the one hand, to the facts stated in the Report, and on the other to the provisions of the act of 1791, c. 33. and of 1800, c. 28, without feeling it necessary in this stage of the business, and in this proposal, to advert in detail to the one or to discuss the other, it is conceived that the following scale and plan of allowance for the Management of the Public Debt, would lead to an arrangement under all circumstances liberal towards the Bank, and equitable towards the public.—Taking the Debt Unredeemed, as it stood on the 5th of January last, at upwards of 550,000,000*l.* it is proposed to reduce the Charge of Management upon it from 450*l.* to 340*l.* per million; and that all additions made to the debt above 550,000,000*l.* shall be managed at the rate of 300*l.* per million. On the other hand, it is proposed, that in the event of the Unredeemed Debt being at any time reduced to 400,000,000*l.* the rate of allowance shall then be raised to 400*l.* per million: and at or below 300,000,000*l.* to 450*l.* its present rate, per million.—When it is considered that in the year 1786 it was proposed to reduce the Management upon a debt of 224 millions only, from 560 to 360 per million, and that it was actually reduced to 450*l.*; and that it is now proposed to apply this last rate of allowance to a debt of 300 millions instead of 224, it will hardly be contended that with reference to the principle only of the projected scale, the proposal contains any thing unfair towards the Bank, while it is evident that it in no degree departs from the liberal principle upon which government was at that time disposed to act. It must also be recollected that in the year 1786, when the reduction in the Management took place from 560*l.* to 450*l.* per million, the country was in profound peace, with every prospect of its long continuance, and with a Sinking Fund established for the gradual extinction of the then debt, consequently that the prospect of the yearly diminution of the debt was probably taken into consideration when the allowance was fixed at 450*l.*; and though we have no records upon the subject, it appears not unlikely that it was the prospect of this diminution which induced the minister to allow 450*l.* per million, instead of 360*l.* which had been computed to be fully sufficient upon a debt of that magnitude, and strongly recommended by the Commissioners for Auditing the Public Accounts, upon whose report of the 18th February 1786, the reduction appears to have been proposed. In point of fact, a considerable reduction, in the allowance for Management must have taken place between 1786 and 1793, since which last period the pressure of war upon the country has increased the debt in a proportion exceeding that of five to two, without any diminution being effected in the rate of Management. To this it is hardly necessary to add, that if a decreasing debt of 224 millions in 1786 could bear a reduction of 110*l.* per million, it can scarcely be considered a hardship if a further reduction to the same amount is made in 1808, upon a debt of 550 millions, still annually increasing in amount with the protracted difficulties of the country; especially as the reduction is accompanied with a security to the Bank against the contingent, but it is to be feared, distant prospect of its reduction below certain stated amounts. To this view of the subject must be added the sum of 805*l.* 15*s.* 10*d.* per million, for receiving the subscriptions to the Loan, a source of considerable annual advantage in time of war, and always in proportion to the annual increase of debt by such Loan; by which increase the more permanent allowande for Management is also so much augmented. Upon the supposition of the above scale being adopted, no alteration is proposed to be made in the above allowance.

3dly. Balances arising from Deposits of Public Money in the hands of the Bank.—The facts as to the amount of these Balances, as stated in the Report of the Committee, can admit of no difference of opinion; and it appears not impossible that the Bank may, upon further consideration, be induced to concur in the inferences drawn from those facts with respect to the profit arising from such balances, unless, whilst it is candidly admitted on the part of the Bank, "That the amount of Public Balances deposited at the Bank, is always followed by a corresponding issue of its Paper; and that the Bank derives an interest or profit from every issue of such Paper." The Bank should at the same time, be prepared to shew that gratuitous deposit of Public Balances, or, in other words, Bank Notes withdrawn from circulation and returned the Bank, without, at the same time, withdrawing from thence the security, or terminating the interest upon which they were originally issued; and which notes so withdrawn, are replaced in the circulation by a corresponding issue of new notes upon new securities bearing new interests, do not afford profit in an exact proportion to the combined amount of these new issues, and of the rate of interest on these new securities. The following plan, therefore, of a direct and proportionate participation in those profits so derived, is proposed as more simple; and likely, from its not interfering with the established course of business either at the Bank or at the Exchequer, to be more satisfactory than the other arrangement, which will be hereafter detailed, as the alternative to which recourse might be had for rendering the profit of those balances available to the public, in case this proposal should not be preferred by the Bank. The Proposal is, that the Bank should, on or after the 5th April next, advance for the service of the year 1808, and without interest, a sum equal to one half of the average amount of the public balances which shall then appear to have been deposited in the Bank in the course of the year terminating upon that day; subject, however, to the following understanding and conditions:—1st. That for the object of this arrangement, the whole amount of Unclaimed Dividends should be considered as forming part of the balance in the hands of the Bank: 2d. That, from the half of this balance to be lent to the public, the following deductions should be made: 1st. The whole sum actually lent to the public on account of Unclaimed Dividends; and, 2dly, 1,200,000*l.* being the value in capital of the difference between the interest now paid for the 3,000,000*l.* advanced in 1800, and the interest at 5 per cent. on the same.—3dly, That an average of the balances in the hands of the Bank, in like manner, be taken on the 5th of April 1809; and, in case such average amount shall be less than it had been for the preceding year, the Bank shall be entitled to interest at the rate of 5 per cent. per annum, on the moiety of the difference between the balances of the two years: on the other hand, should it be greater, the Bank shall advance, without interest, one half of the excess for the service of the year 1809, and so on for future years during the war.—4thly, That this arrangement should continue upon the scale and principle now proposed, only during the war, and for one year after the conclusion of a peace; within which period it is conceived it would be just to the Bank as well as proper on the part of the public, to have this part of the plan again under consideration, and to modify it according to the change of circumstances which would follow from the restoration of peace.—At the same time the principle of the arrangement appears so equitable and unobjectionable, as connected with the present wise system of keeping public money of every description in the Bank, that the only modification which now occurs, as likely to be necessary on the return of peace, is, that, if the average amount of these balances should be then much diminished, the public ought to be contented with a less proportion of the advantage derived from them; and, perhaps, if one half appears reasonable upon so large a sum as 10 millions or upwards, two-fifths might be deemed an adequate proportion upon a balance not more than 8, nor less than 6, and one-third upon a balance fluctuating between 6 and 4 millions; below which it is conceived there is no prospect of its being at any time reduced.—If, however, the Bank should not, upon reconsideration, feel the truth and accuracy of the conclusions drawn by the committee, respecting the advantages derived from the use of the public balances, and should continue of opinion that they are not productive of profit to them, upon which supposition, the Bank can have no objection to a plan which would give to the public the advantage of making use of those balances without interest, instead of paying interest for money to a similar amount; it is then proposed, that, instead of the growing receipt of the exchequer in bank notes being daily withdrawn by the Bank, or remaining deposited in the exchequer, it should be rendered available to the daily wants of the public in the following manner; namely, that the proper officers for the issue of exchequer bills should, out of any bills in their hands granted by parliament for the public service, deposit daily in the tellers chest at the exchequer, a sum of the said bills equal to the sum in notes to be withdrawn, and according to the same form and usages (as nearly as circumstances will permit) as now prevail in the daily deposits, made by the Bank, of exchequer bills belonging to them, in order to enable them to withdraw the notes from the chests of the tellers. The notes so withdrawn to be applicable to the public service, whilst the exchequer bills deposited would be security to the tellers and to the public. Such exchequer bills, so deposited, would not, so long as they continued in the tellers chests, bear interest, and this saving of interest upon these bills, is what would constitute the principal advantage to the public. It is intended that the deposit of exchequer bills by government should not, with respect to the receipt of the exchequer on account of the Consolidated Fund in any one quarter, amount to more than 5,000,000l. nor interfere with the existing practice of the Bank to deposit exchequer bills of their own bearing interest for any sum which may be in the exchequer beyond that amount.—Under the operation of this plan, the receipt of the exchequer will, on the quarter day, consist of 5 millions of exchequer bills deposited by the proper officers of the exchequer, and bearing no interest, and the remainder either in bank notes or in exchequer bills, belonging to the Bank, and bearing interest for their benefit, which may (should they think proper) be deposited by them under the present regulations, as soon as the other deposit had amounted to the sum of 5,000,000*l*. Out of this sum, or whatever sum short of it may have been so deposited by the proper officers of the exchequer, it is proposed to set aside, first, the quarterly charge upon the Consolidated Fund for the Civil List; such bills to be issuable under the direction of the lords commissioners of the treasury, at such times as it may be necessary to dispose of them for the purpose of paying the quarterly demands on the Civil List; and to bear interest only from the date of their actual issue. 2dly, The quarterly sum issuable to the commissioners for the reduction of the national debt, as well on account of the original million and 200,000*l.* as on account of the Sinking Funds attached to the several loans since 1791, and of the dividends upon the debt redeemed up to that quarter, the whole being a charge upon the Consolidated Fund; such exchequer bills to be issued by the said commissioners in the course of the ensuing quarter, in such manner as to provide them with the means of making their daily purchases, and to bear interest from the date of their issue only. 3dly. The surplus, if any, of the Consolidated Fund for the quarter applicable to the service of the year, to be issued, as wanted for the public service, in like manner under the sanction of the commissioners of the treasury. For the conversion into cash of any part of the 5 millions of exchequer bills, which would still remain unappropriated, it would be necessary to have recourse to the Bank; but, considering that the amount of this remainder could in no case much exceed two millions, and that it would generally be much less; that the total amount of exchequer bills to be issued by the treasury within the year cannot be increased; and that the average amount outstanding must be diminished by this arrangement, there seems no possible reason to apprehend that the granting of this accommodation (independently of their general disposition to accommodate the public interest) can be attended with any inconvenience to the Bank, or that it can ever lead to their being pressed to hold a greater amount of these securities than will suit their own interest. In point of fact, it must be obvious, that the only necessary tendency of this plan will be, to diminish the total amount of exchequer bills at any given time jointly in the hands of the Bank, and in the market. If the Bank continue desirous of holding the same amount which it now finds convenient to take, the period at which it will be enabled to procure them in exchange for its own notes, will be retarded, and, on the supposition of the Bank holding exchequer bills to the same amount as it now does, the quantity circulating in the market will be necessarily reduced.—Should this arrangement be preferred, it is proposed that it should be equally liable to be reconsidered within one year after the termination of the war.—It is only here necessary further to observe, that exchequer bills, exceeding what would be required upon this plan, to be deposited in any quarter, are, as the law now stands, payable into the receipt of the revenue, and consequently that, without any fresh legislative enactment, or without laying itself open, by any possible construction, to the imputation of trenching on the privileges of the Bank, government might, in transitu, exchange the bank notes received in the different departments of the revenue for exchequer bills, which would then be paid by the different receivers general into the exchequer. But the mode now proposed would be more simple in its execution, and less liable to interrupt that good understanding, founded on liberal principles, which ought at all times to exist between the government and the Bank, and which it is certainly not less the interest, than it will undoubtedly be felt to be the duty, of both parties to maintain in the discussion of the present arrangements.

No. III.—Copy of a separate Paper, enclosed in the Letter of the Chancellor of the Exchequer to the Bank, dated Dec. 23, 1807.

It being understood to be the wish of the governor and deputy governor of the Bank, as well as of those in the direction with whom they have consulted, that whatever proposal is made by government, it should, at least in the first instance, be founded upon a fair and equitable review of existing arrangements; taking into consideration the services derived to the public on the one hand, and on the other, the advantages accruing to the Bank, instead of such proposal being limited by a strict reference to the letter of any actual contracts or engagements;—this wish, which is certainly more liberal, and more becoming to the character both of the government and of the Bank, has been carefully attended to in what has been proposed in the accompanying Paper under the head of Reduction in the Charges of Management. But as some conversation has already taken place respecting the arrangements made in this respect, as well by the Act of 1791, cap. 33, as by the Act of 1800, cap. 28, and as they are also referred to in the Report of the Committee on Public Expenditure, it may be necessary, perhaps, thus separately to offer a few short observations upon these engagements.—It cannot be disputed that by the Act of 1791, cap. 33, the Bank acquired a title to be paid at the rate of 450*l.* per million for the management of the then debt; and that this title remains to this day entire and unquestionable, with respect to so much of that debt as is not yet paid off.—The amount of debt existing on April 5 of that year, was 219,685,195*l.* the amount of debt redeemed by the operation of the then Sinking Fund, and its accumulation, and by the redemption of the Land Tax, up to the 1st of Feb. 1808, is 78,939,669*l.*; leaving unredeemed on Feb. 1 next, 140,745,526*l.* For the management of this debt, subject to the further reduction which will be daily effected by the above-mentioned Sinking Fund and its accumulation, and by the further redemption of Land Tax the Bank would have a clear right, under contract, to an allowance for Management at the rate of 450*l.* per million; unless it should appear upon further investigation that the public have a right to deduct from the total amount of debt, as it stood in 1791, the total amount of debt since paid off and cancelled by all or any of the sinking funds, or other means the public has appropriated to that purpose:—a question which, when it is considered that, with a reference to any augmentation or diminution, the debt is considered as one account, and that, in point of fact, both the several debts and several sinking funds were consolidated in 1802, may, it is conceived, fairly admit of an argument; and in this case, the total of unredeemed debt to which this contract would apply, would be about 90 millions.—By the Act of 1800, cap. 28. it is enacted (inter alia) " That during the continuance of the charter, the Bank shall enjoy all profits, emoluments, benefits and advantages whatsoever, which they now have, possess, or enjoy by virtue of any employment by or on behalf of the public," but with the following proviso, "subject nevertheless to such restrictions, rules and directions, and also to such other agreements, matters, and things, as in the said acts and charters (i. e. all former acts and charters) or any of them now in force, are contained or prescribed."—It is remarkable that the Act of 1791 is not specifically adverted to; it is only by the general words of reference to all other acts and charters, that it can be comprehended, and therefore it may be fairly argued, that the specific rate of allowance for Management granted by that act, was not particularly under attention, for if it had been, it can hardly be conceived that it would not have been specially adverted to; and it is unquestionable that the proviso last mentioned, as much refers to the directions and rules and powers of agreement granted to the treasury, with respect to the allowance for management in the Annual Loan Bill, as to the Act of 1791. Their charter, therefore, reserving to them all the benefits which they then had by virtue of any employment for the public, subject to this proviso, must be understood to reserve to them the right of Management, but subject as to the amount of Management, to what the treasury may think reasonable.—If, however, notwithstanding this view of the case, and contrary to every expectation, the Bank were now to assert, and were enabled to make good a claim to be allowed at the rate of 450*l.* per million on such portion of the debt, as it stood on April 5, 1800, as has not since been redeemed, there would remain at this moment about 250 millions only (the whole debt being 613 millions) to which any new scale of allowance could be applied. But if such a claim were insisted upon, and if the Bank were advised to stand upon the strict and literal execution of a contract, which, as far as it rests upon the act of 1800, is only to be maintained (if tenable at all) by general implication and reference, whilst it must be obvious, that this same contract, by the continued and unforeseen operation of those very circumstances which create pressure and difficulty in the country, is become improvident and disadvantageous to the public, and, in the same proportion, over-productive to the Bank; and that their profits are in like manner greatly increased by many other transactions, necessarily incident to and growing out of that pressure and those difficulties; I should certainly, under such a contingency, feel it to be no unreasonable expectation, and should be called upon by my duty to urge it to the utmost, on the part of the public, that for the above 250 millions, that part of the debt with respect to the allowance for the Management of which no specific contracts can be said to exist, such allowance should be confined as nearly as possible to the increased charge which may be supposed to be actually incurred by the Bank, in consequence of this addition to the debt of 1800; so as to obtain, if not immediately, at least within a short period, by the rapid diminution of the latter, an abatement equal to a fair and immediate average abatement upon the whole.—It is unnecessary to go into particular calculations upon such a subject; but it must be obvious that supposing the rate of allowance for the portion of the debt not subject to the supposed contract of 1800, to be managed at a rate as high as 300*l.* per million (a rate, which under the circumstances here stated, and with a view to an average, it would not be reasonable to expect), a very few years would elapse (probably not more than ten years) before the whole allowance for management would be less, under any given circumstances, than is now proposed, whilst the reduction of allowance would be still going on, so long as any of the debt of 1800 should remain, without any security to the Bank for an encreased rate, should the whole debt at any future period be reduced below certain stated amounts.

No. IV.—Copy of a Paper communicated to the Chancellor of the Exchequer by the Governor and Deputy Governor of the Bank; in reply to his Letter and Proposals of the 23d Dec. 1807.

The Committee having taken into consideration the Proposals suggested by the Chancellor of the Exchequer; beg leave to return the following Answer, and Observations: They are of opinion, that a farther advance, to the extent of 500,000*l.* on account of the Unclaimed Dividends, may be acceded to on the part of the Bank; on similar conditions with the former advance.—The Committee, ever anxious to promote the interest of the public, as well as of their proprietors, are of opinion, that a reduction on the rate of management of the national debt, as proposed by the chancellor of the exchequer, may, with some modifications of no very great moment, be consented to on the part of the

Bank.—In regard to the large sums of public money of the exchequer, and the balances of the public drawing accounts in the hands of the Bank; these, however considerable at particular periods, must necessarily always be of an uncertain and fluctuating amount; for which reason, and for others continually operating in the great scale of their business of banking, the committee deem it impossible to ascertain, with any degree of precision, the profits that may be made, arising from the employment of those balances. But, on all accounts they are of opinion, that it would be highly imprudent for the Bank to make an advance to government in the way of loan of a capital sum of money equal to one-half of their presumed amount, even with the deductions proposed.—They therefore cannot recommend to their court, for the purpose of being brought before the court of proprietors, the first mentioned plan or proposal, in respect to those balances.—But, as the Paper suggests another mode, by which the exchequer itself may make advantage of the public money paid into the exchequer; the Bank neither can, nor ought to make an objection thereto, or to any plan obviously intented for the benefit of the public. On the contrary, any facilities conveniently in their power, the committee have no hesitation to say, the Bank will always with alacrity afford.—It should, however, be understood, that if this plan be adopted, the Bank should not be obliged at the end of every quarter to purchase, or take, on that account, exchequer bills to a larger amount than two millions.—The committee, however, are aware, that possibly it may not be altogether a desirable circumstance, in the management of this business in the Exchequer, to overturn the forms of office, and a system, that has been established and acted upon for a very great number of years; and that sometimes, what seems tolerably easy in prospect, may not always be found perfectly so in practice. They, therefore, on their part, beg leave to suggest a proposal, which possibly may deserve the consideration of the chancellor of the exchequer, and be more acceptable, and eventually even more profitable to government, than the mode just mentioned. It is much less complex in its nature, and demands no alteration nor innovation on the present practice, which is perfectly well understood. It consists only in the Bank paying a certain sum of money, annually, into the Exchequer, for the use of the public, on the condition, that the public money shall continue to be kept in the hands of the Bank, and the accounts between the Exchequer and the Bank continued according to the present practice. In that case, and on that condition, the committee are of opinion, they might conscientiously propose to their court to recommend the court of proprietors to pay into the exchequer, for the use of the public, the sum of £. annually, during the continuance of the war; and whenever the period of peace arrives, this subject, and others of great moment, will probably require farther consideration.—The chancellor of the exchequer will be pleased to turn this suggestion in his mind, and determine which of the two plans he shall prefer to propose to the Bank.—With respect to the quarterly issue for the Redemption of the National Debt, the committee are unanimous in most solemnly deprecating any alteration in the present mode of conducting that very important branch of the public business, or diverting any part of its funds, to any other purpose, than that to which by law they are appropriated, and which has so happily been enacted by the legislature. The system hitherto pursued has given universal satisfaction to the public, as well as to the stockholders, and has evidently been attended with the most beneficial effects on the public credit of the nation.—The committee have no object of profit in view from the quarterly issue of this money, which, they flatter themselves, can be no where safer than in the custody of the Bank. They look on this money as a sacred deposit, to be applied and paid only, agreeably to the terms of the acts of parliament in the daily purchases of stock by the commissioners, and to be employed or used in no other manner.

No. 1.—Copy of a Letter from the Chancellor of the Exchequer to the Governor and Deputy Governor of the Bank.

Downing-street, Jan. 11, 1808.

Gentlemen; In the several conferences and communications which I have lately had the honour of holding with you respecting the expectation formed by me, on the part of the public, of an advance by the Bank for the public service, the particular grounds of that expectation have been discussed under three heads, namely: 1st. Unclaimed Dividends.—2dly. The Charge for the Management of the Public

Debt.—3dly. Balances arising from Deposits of Public Money in the hands of the Bank.

Having most maturely considered every thing that has passed between us, in these discussions, I now feel myself enabled and called upon to make to you the following proposals, under each of the above heads; and I request that you will submit them to the Court of Directors, for their consideration and concurrence. 1st, That out of the Unclaimed Dividends a sum of 500,000*l*, shall be advanced for the service of the present year, under similar provisions to those contained in the Act of 1791, cap. 33, and in addition to the sum of 376,739*l*. already advanced upon that account; but so as to secure that the amount of such dividends remaining in the Bank shall never be less than 100,000*l*. 2dly. That the sums to be allowed to the Bank for the Management of the public debt, shall, from and after the 5th of April next, be regulated by the following scale:—When the total amount of debt unredeemed shall exceed 400 millions, and not exceed 550 millions, the Bank shall receive an allowance for management at the rate of 340*l*. per million per annum upon the whole of such debt: and when the total amount of such debt shall exceed 550 millions, the Bank shall receive the allowance of 340*l*. per million for such 550 millions; and for any excess of debt which may now exist, or may hereafter be created, beyond 550 millions, the rate of allowance for management shall be 300*l*. per million for the whole of such excess.—I have only farther to propose on this part of the subject, that the 4,000*l*. paid to the Bank by the Exchequer, under the denomination of "House Money," should be discontinued; but it is not my intention, if the above proposals are acceded to, to suggest any alteration in the established rate of allowance for receiving contributions to the loan or to the lottery.—The consideration of what may be the proper rate of management in the event of the debt unredeemed being reduced below 400 millions, may be reserved for subsequent arrangement when such an event may take place.—3dly. With respect to the Public Balances; although I have not been so fortunate in the several conferences which we have had upon the subject, as wholly to convince you, that the advantages derived to the Bank from the deposit of those balances, must be in proportion to their average amount; I am not the less firmly convinced in my own judgment of the truth and accuracy of this position; and having, I think, succeeded in fully satisfying you, that a plan, the outlines of which I have had the honour of stating to you, might easily be devised, and with the sanction of parliament carried into effect, by which these balances might, to a very great extent, be rendered productive of profit to the public; you must be sensible, that, however desirous I may be of avoiding to trouble you with any futher discussion of the mode in which, according to my judgment, advantage is derived to the Bank from the public balances, or of the precise extent to which those advantages are carried, it would be altogether inconsistent with my duty to the public, in the view which I have now shortly stated, to avoid pressing upon the consideration of the Bank, the expediency of ensuring to the public, in some shape or other, that reasonable degree of profit which they are entitled to expect, and which, as I have already observed, it is within the competency of parliament to secure to them, from the use of those balances. As, however, any plan for this purpose to which the Bank might not be a party, though free from objection in its principle, could not be carried into execution, without a departure from the course of business which has so long subsisted between the Bank and the Exchequer, I should on that account prefer an arrangement promising even something less of advantage to the public, which would leave this course of business in its accustomed channel; and, as I cannot doubt but that the Bank will concur with me in preferring to avoid any deviation from a long established system, it appears probable, that, from this and other considerations, it may be more satisfactory to them, as it will certainly be to me, that the one or the other of the following propositions, (unquestionably not formed upon any too sanguine view of the comparative profit which in another mode might be obtained for the public) should be acceded to by the Bank: viz. That the Bank shall, on or before the 5th of April next, advance to the public for the service of the year, a loan of 3,000,000, without interest, but the principal to be secured by exchequer bills payable twelve months after the ratification of a definitive treaty of peace: or, that the Bank shall, on or before the 5th April in the present and each succeeding year during the continuance of the war, and within twelve months after the termination thereof by a definitive treaty of peace, pay into the receipt of the Exchequer, there to be held at the disposal of parliament, the sum of 150,000*l.* sterling.—In proposing this alternative in the mode of affording to the public that degree of aid which, upon the most moderate principle, and with a reference to the advantage that might otherwise be obtained, it appears reasonable to expect on account of the deposit of public money in the hands of the Bank, I feel it a duty at the same time to urge, in the strongest manner, the superior convenience and advantage which would accrue to the public service from the adoption by the Bank of the proposed loan, instead of an equivalent annual payment into the Exchequer. In stating this comparative view of the two proposals, and my decided opinion in favour of the advance by way of loan, I cannot doubt, from the general disposition of the Bank, that it will be a most powerful motive with the court to give a preference to that proposal; unless, from some reason of which I am not aware, it should appear to them absolutely necessary for the interests of the Bank to confine themselves to an annual payment.—In order to prevent the possibility of any future misunderstanding of the principles and grounds on which the present arrangement, as far as relates to the deposits of public balances, is brought forward, I think it necessary to observe, that the proposal to confine the duration of the advance by way of loan, or of the annual payment into the Exchequer, to the period of the present war, and twelve months after the termination of it, is by no means to be understood as an admission on my part, that, at the expiration of such period, the public will no longer be entitled to look to any advantage from the continuance of such deposits; but simply as a provision, by which the government and the Bank may be respectively enabled, under the change in the state of affairs which will then have taken place, (probably affecting the amount of public balances in the hands of the latter,) to consider of a new arrangement. And I have further to add, that, as the proposal I have now made is founded on the view I have taken of the present annual average amount of those balances, assuming that amount to be not less than ten millions sterling, I wish it to be understood that the present arrangement, if carried into effect, should not be construed to preclude his majesty's government (with the sanction of Parliament if necessary) from using in such manner as they might think proper for the public interest, and consistent with any existing engagement with the Bank, any excess of balance over and above the said ten millions, if it should appear that such excess were likely to be permanent and of sufficient magnitude to call for some application of it, by which, without interfering with the arrangement now proposed to the Bank, it might be rendered productive of advantage to the public; but without calling upon the Bank for any direct assistance beyond the amount now proposed; an assistance which, whatever difference of opinion may exist as to the circumstances by the operation of which they are enabled to grant it, will, I cannot doubt, upon a fair consideration of the whole case, appear to be entirely consistent with those principles of equity and mutual liberality, which ought to prevail in the adjustment of so important an arrangement, growing out of the extensive transactions existing between the public and the Bank. I have the honour to be, &c.

Sp. Perceval.

No. II.—Copy of a Paper intituled, "Resolution of the Court of Directors."

14th Jan. 1808. Resolved, That the proposal of the Chancellor of the Exchequer, to take 500,000*l.* from the Unclaimed Dividends, in addition to the former sum of 376,739*l.* be acceded to by this court.

Resolved, That in respect to the rate of Management, the following scale be proposed:

On	600 millions	at	340*l.*	per million.
—	13	Do. -	- 300	- Do.
—	400	Do. -	- 450	- Do.
—	300	Do. -	- 500	- Do.

Resolved, That in respect to the 4,000*l.* for management, allowed by the first charter, it is not expedient to make any alteration in that allowance, being part of the 100,000*l.* per annum continued from the foundation of the Bank.

Resolved, That the Court of Directors do accede to the proposal of the Chancellor of the Exchequer, to lend, for the use of government, 3,000,000*l.* on exchequer bills, without interest, during the war; provided it is stipulated to be returned within six months after the ratification of a treaty of peace, and under the complete understanding, that all transactions between the public and the Bank shall be continued in the accustomed manner, even though the amount of public balances should exceed the sum of ten millions.

No. III.—Copy of a letter from the Chancellor of the Exchequer, to the Governor and Deputy Governor of the Bank.

Downing-street, Jan. 15th, 1808.

Gentlemen; The liberal disposition which has been manifested by the Court of Directors, to concur in the principal arrangements which I have thought it my duty to suggest for their consideration, has afforded me great satisfaction.—While I feel convinced that my proposal has not lost sight of the public interest, the manner in which it has been received by the Bank confirms me in thinking that it has not proceeded without a due consideration also of the fair and reasonable interests and expectation of that respectable corporation. Under this impression, I am strongly inclined to give way to the suggestions of the Bank in the minor part of the arrangement, and will therefore accede to the scale of allowances therein proposed for the management of the public debt, so far as it applies to present circumstances, or to such as can be expected to occur within any short period.—In this view, therefore, I shall not object to the alteration by which it is proposed that the allowance to be paid by the public for management, shall be at the rate of 340*l.* per million upon any amount of debt between 400 and 600 millions inclusive, instead of limiting that rate of allowance to any amount between 400 and 550 millions, as I had intended; and according to this arrangement, the reduced rate of 300*l.* per million will be allowed upon any excess of debt now existing, or which may hereafter be created, above 600 millions, instead of commencing from the amount of 550 millions.—But with respect to the proposal for increasing the rate of allowance for management to 500*l.* per million, in case the unredeemed debt should be reduced to 300 millions I am persuaded that upon reconsideration the Court of Directors will agree with me in the difficulty or rather the impossibility, of my proposing to parliament, at this moment, to grant a higher rate of allowance upon a debt of 300 millions, than was granted by law in 1791 upon a decreasing debt of 220 millions; and I trust that they will consent to withdraw this part of their resolution. In stating this, I by no means intend to undervalue the reasons which may be urged to shew that circumstances may perhaps have occurred to render some encrease not unreasonable; but the event which would bring these circumstances most properly under consideration, is, I am afraid, removed to such a distance, that the court of Directors will, I hope, find no difficulty in agreeing with me to wave the discussion of this point for the present.—With respect to that part of their Resolutions, by which the Court of Directors agree to advance "3,000,000*l.* on exchequer bills, without interest, during the war, provided it is stipulated to be returned within six months after the ratification of a definitive treaty of peace, and under the complete understanding that all transactions between the public and the Bank shall be continued in the accustomed manner, even though the amount of public balances should exceed the sum of ten millions;" the proposal to limit the repayment to six months instead of twelve, after the ratification of a definitive treaty of peace, is an alteration in the arrangement from which I do not feel myself disposed to dissent, as this abridgment of the term has probably appeared of importance to the Court of Directors.—With respect to the understanding under which the court is willing to lend the sum of 3 millions, I have only to observe, that, subject to this advance, it never was my intention to attempt, during its continuance, any alteration in the course of business between the Bank and the Exchequer, or to propose to withdraw from the Bank any account now by law directed to be kept there. This explanation will, I trust, be entirely satisfactory to the Court of Directors: and I have only to add, that subject to the modification now proposed respecting the management, I shall be ready to submit to parliament, to sanction an agreement, founded in every respect upon those resolutions. I have the honour to be, &c.

SP. PERCEVAL.

No. IV.—Copy of a Letter from the Chancellor of the Exchequer to the Governor and Deputy Governor of the Bank.

Downing-street, Jan. 19, 1808.

Gentlemen; Referring to the several communications which I have had the honour of holding with you, and to the correspondence which has passed between us, on the subject of an arrangement to be formed between the public and the Bank; and especially to the proposals which I transmitted to you on the 11th instant; to the resolution of the Court of Directors of the 14th instant, suggesting certain alterations in those proposals; and to my letter of the 15th instant, consenting in part to those alterations;—I think it proper, in order to remove every possibility of misunderstanding between us, briefly to recapitulate the terms of the arrangement, which I have expressed my readiness to submit to parliament, in case it should meet with the final concurrence and assent of the Bank.—Under the three following heads; viz.

1st. Unclaimed Dividends. 2d. Allowance for Charges of managing the Public Debt. 3d. Public Balances kept at the Bank.

I have proposed;—1st. That the Bank shall now advance out of the Unclaimed Dividends in their hands, the sum of 500,000*l.* for the use of the public, in addition to the sum already advanced out of that fund pursuant to the Act 31 Geo. III. cap. 33, and under similar conditions; provided always, that the amount of such dividends remaining in the Bank shall not be reduced below 100,000*l.* 2dly. That for the management of the public debt, the Bank shall henceforward be allowed as follows: 340*l.* per million per annum, upon the whole of the unredeemed debt, whenever it may amount to 400 millions, and not exceed 600 millions.—300*l.* per million per annum, upon the whole amount of any excess of Debt unredeemed above 600 millions; the said 600 millions continuing in such case to be managed at the aforesaid rate of 340*l.* per million per annum.—450*l.* per million per annum, upon the whole unredeemed debt, whenever it may exceed 300 millions, and not amount to 400 millions. And that with respect to the rate of allowance which it may be proper to fix for the management of any debt less than 300 millions, it has been deemed advisable to defer the consideration of that subject until the actual diminution of the debt may be such as to require some determination upon it. 3dly. That the Bank shall, on or before the 5th of April next, advance for the public service in the present year, 3,000,000*l.* by way of Loan, without interest; the principal, to be secured by exchequer bills, to be deposited in the hands of the Bank, payable at the expiration of six months after the ratification of a definitive treaty of peace.—And it is understood that during the continuance of this advance by the Bank, no alteration is to be proposed in the general course of business between the Bank and the Exchequer, nor any regulation introduced by which the accounts now by law directed to be kept at the Bank, shall be withdrawn from thence. I have the honour to be, &c. Sp. Perceval.

No. V.—Copy of a Paper, intituled, "Resolution of the Court of Directors, on Mr. Perceval's Letter of the 19th Jan. 1808, and Recommendation thereof to the General Court."

At a Court of Directors, at the Bank, on Thursday the 21st Jan. 1808, the following Letters from the Chancellor of the Exchequer being read, viz.

"Downing-street, Jan. 15, 1808. Gentlemen, The liberal disposition," &c.—"Downing-street, Jan. 19, 1808. Gentlemen, Referring to the several," &c.

The governor acquainted the court, that the committee of treasury having considered the said letters, recommend, that the terms proposed in the letter of the 19th inst. be complied with.—The court agreed thereto.—Resolved, That the chancellor of the exchequer's letter, of the 19th inst. be laid before the general court; and that the governor be authorized to inform the proprietors, that this court is of opinion, that the proposals contained in the said letter be acceded to.

No. VI.—Copy of a Paper, intituled, "Resolution of the General Court on Mr. Perceval's Letter of the 19th Jan. 1808."

At a General Court of the Governor and Company of the Bank of England, held at their public Office in Threadneedle street, on Thursday the 21st Jan. 1808, the following Letter from the Chancellor of the Exchequer being read, viz.

"Downing-street, Jan. 19, 1808. Gentlemen, Referring," &c.

The governor further acquainted the court, that the court of directors, having taken the said letter into consideration, are opinion to recommend to this court to comply with the proposals contained in the said letter.—The question was then put, That the proposals contained in the above letter, be complied with on the part of the Bank? And carried in the affirmative.

HOUSE OF COMMONS.

Wednesday, February 3.

[Expedition to Copenhagen.] Mr. *Ponsonby* rose to make the motion of which he had given notice to the house. The object he had in view was, principally, to ascertain how far his majesty's ministers had been justified in advising his majesty to employ his naval and military forces in the Expedition against Copenhagen. That this was a subject which peculiarly demanded the enquiry of the house, he was fully authorized to state on the Declaration issued by his majesty himself, in the first clause of which, his majesty declares that he owes to himself and to Europe a frank exposition of the motives which had dictated his conduct with regard to Denmark. It was scarcely necessary for him to say, that in speaking of the Declaration by his majesty and of the speech from the throne, he meant to direct his observations solely against his majesty's ministers; and he must also be understood in speaking of the subject to which he was about to call the attention of the house, to refer to his majesty's ministers, and not to his majesty himself, to whose native rectitude and honour, he was convinced that the transaction was as opposite, as it had been disgraceful to the projectors of it, and disadvantageous to the country. In order to consider the subject maturely, it would be necessary to enquire; first, what the disposition of Denmark had been; next, what the conduct of Russia had been; and, lastly, what means France possessed of executing any project hostile to this country in the Baltic. It would be idle to enquire into the disposition of France, with respect to this country, for it was well known that the ruler of that nation was well disposed to unite all the force that he could against Great Britain. But, to justify his majesty's ministers for the steps that they had taken, it was necessary to ascertain, not the disposition of France, but the means which France possessed, of manifesting that disposition in a manner dangerous to this country. In drawing up the Resolutions on which he should found his motion for an Address to his majesty, requesting the communication of such papers, as, in his opinion, would elucidate the subject, he had gone pretty far back. In his majesty's Declaration of the 25th of Sept. 1807 (p. 115), an allusion was made to an apology stated to have been received from Denmark at the close of a former war, for having entered into a hostile confederacy against Great Britain, which apology "was founded on the avowed inability of Denmark to resist the operation of external influence, and the threats of a formidable neighbouring power." He had therefore framed a Resolution for the purpose of procuring the substance or copies of any communication received from the court of Denmark towards the close of the last war, containing the apology above alluded to. He was desirous to propose this Resolution, because his majesty's Declaration charged Denmark with having entered into an hotile confederacy against this country, and with having defended that hostility by declaring that she was compelled to do so by the threats of a great neighbouring power. He had inquired into this subject, and he had been told, perhaps erroneously, that the court of Denmark never did send such apology for the abandonment of its neutrality. He was desirous to know the truth of the fact, and he could not conceive what objection could be made to the production of these papers, if they actually existed. The transaction had taken place about six or 7 years ago; there could be no apprehension of disclosing any source of secret intelligence; nor any thing could be discovered which the Declaration had not asserted—that assertion he did not believe to be founded on fact. He had shaped another Resolution, for the purpose of ascertaining what information had been received by his majesty's ministers respecting the conduct of Denmark, with respect to its naval force. He was desirous, that all the reports made during the last year by the king's resident at Copenhagen, as to the steps taken by the Danes for augmenting their marine, manning their fleet, &c. should be laid before the house; because, if Denmark were really hostile to this country, and were disposed to unite with France and Russia against us, she would unquestionably have exerted herself to put her naval force in a state of respectability. The practice in Denmark with regard to their marine, he understood to be this: the Danish sailors were obliged to inscribe their names in certain offices, so that the Danish government knew at all times, pretty nearly, the amount of sailors in their dominions, as, if the sailors quitted Denmark, they were obliged to state in what ship they went, and by these means, the government knew the number of their sailors and their distribution in the different parts of the world, to which they were carried by the mercantile marine of Denmark. The extent of Danish commerce, and the distant voyages undertaken by the Danish sailors, rendered it impossible for the Danish government to man a considerable fleet at a short notice. It was not as in England, where, owing to the immense number of our sailors, and the extent of our commerce, we were enabled by impressment and other means, to fit out and man a powerful fleet in a few weeks. Denmark to do this must await the arival of her merchant fleets. If, therefore, Denmark had actually meditated hostility against Great Britain, it was impossible to conceive that she would not have demonstrated that lurking intention before the period of lord Gambier's arrival in the Sound. He asked therefore, if his majesty's resident at Copenhagen had sent any advices to this effect? His majesty's ministers had told him, that they meant to refuse an answer; he hoped the house would not agree with them. He also wished to know, if reports had been received by his majesty's ministers from any naval officer employed in the Baltic during the last year, relative to an augmentation of the naval force of Denmark. It was matter of public notoriety, that during the last year scarcely a week elapsed in which some naval officer of skill and reputation had not passed the Sound, in consequence of our intercourse with Sweden, with Russia, and even with Prussia, until the power of that country had been demolished. It was hardly possible that any extraordinary naval preparations could have been made at Copenhagen, without their having been noticed by the expert and experienced officers to whom he alluded. If this information were denied, why was it denied? because it did not exist; because his majesty's minister at Copenhagen did not send home any information of a preparation for hostility in Denmark, for he could not have done so with truth; because his majesty's naval officers had not noticed any naval exertions in the ports of Denmark, for no such exertions had been manifested. The house would therefore be justified in concluding that no steps had been taken by Denmark, which had awakened jealousy or roused suspicion. He had made it his business to enquire what had been the conduct of Denmark with regard to their own ships, and their valuable cargoes, which were in the ports of Great Britain, at the very time that the Expedition against Copenhagen was fitting out. When admiral Gambier was preparing to sail, many of the Danish captains hearing, amongst other rumours, that it was as likely that the British force was destined against Denmark as against any other place, consulted the Danish consul on the subject. The consul applied to the Chamber of Commerce in Copenhagen, a branch of the public administration of government. He received for answer, that there was not the smallest ground for anxiety or alarm on the part of the Danish mercantile interest, for that no such circumstances existed, which tended to disturb the neutrality of Denmark, or to place her in a state of hostility with Great Britain. At the time that this answer was received, there were 350 Danish ships in British ports, with cargoes amounting to two millions sterling. Was it possible to suppose, that under these circumstances, when the Danish government declared to her commercial interest that they need not hurry themselves—that there was no fear of an interruption of the good understanding with Great Britain;—was it possible to suppose, that when a third of the commercial property of Denmark was in our hands, the Danish government meditated hostility against us? Such a thing was incredible. But it was said, that though Denmark herself might entertain no hostile disposition against Great Britain, she was likely soon to be forced into a state of hostility, and that, therefore, we were justified in seizing her marine, without any previous notice to Denmark, and without any previous behaviour on her part to provoke us to that seizure. If our conduct could be at all justified on this ground, it must be on the necessity of anticipating the views of the enemy with regard to the Danish fleet. No writer on the law of nations, or on any other law, or on common justice, had ever maintained that one power could be justified in taking from another power what belonged to it, unless a third power meant, and was able, to take the same thing. The justification of this step, therefore, must rest on the necessity of it, which would depend on these circumstances: the weakness of Denmark, or her indisposition to resist compulsion; the strength of her enemy, and the certainty that she must yield to its force. Every shadow of proof that Denmark must have yielded to a hostile confederacy was out of the case. It was necessary to enquire what were the means which France possessed of accomplishing her object. One of his Resolutions went to ascertain what information his majesty's ministers had received respecting the power that France possessed of seizing the Danish navy. If his majesty's ministers knew the intentions of France on this subject, surely they were not so negligent as to omit informing themselves of her power to carry those intentions into execution. What was the relative situation of the two countries? At the time that admiral Gambier sailed, a great part of the Danish army was encamped in Holstein; a considerable French force was also in the same place. This disposition of the two armies shewed no intention in Denmark to yield to France. Had she entertained such an intention she would not advance a force against a French force. The question then came to be, Was the French force sufficient "to induce or compel" (such were the terms of his majesty's Declaration) Denmark to yield to the views of France? In his opinion it was utterly insufficient. Let the house consider the situation of Denmark. She possessed considerable countries on the main continent of Europe: but she had still more valuable possessions in Norway, the Danish islands, (on one of which her capital was situated), and considerable foreign colonies. Had France, therefore, required Denmark to give up her fleet that it might be employed against Great Britain, what would Denmark have answered? "No, you have no right to make such a demand; it is a manifest usurpation on your part; if you make me choose between hostility with England and hostility with France, I prefer the latter; for, if I quarrel with England, England can take from me all my foreign possessions; she can injure my marine, and employ Sweden to attack me in Norway. It is, therefore, better for me to keep that which you cannot take from me, than to sacrifice it by a war with England." This would have been the conduct of Denmark, if the rashness and precipitation of his majesty's ministers had not forced her into hostility against Great Britain. Were it asked, when we proposed to her to surrender her fleet to us and to maintain her alliance with us, why she did not accede to that proposal, he would answer, that we had never made any proposal to Denmark which it was possible for an independent state to accept. If, in private life, a similar proposal had been made to any gentleman of that house, would it not have been considered an insult? What did we say to the Danes? "Enter into an alliance with us, declare yourselves against France, and remain united to England; but first we must deprive you of your power; for we have so little confidence in your good faith, that we will conclude no treaty with you until you are dispossessed of the means of infringing it. Say you are not worthy of credence; ratify your own reproach, and we will allow you to be our friends." To such a proposition, nothing but absolute conquest could ever make a nation submit. But what means did France possess of compelling Denmark to join the hostile confederacy against England, if she were not inclined to do so? It had been said, that France, having taken Jutland and Holstein, might have marched an army across the Great Belt, when frozen, and have seized the Danish fleet. He had consulted books, and other authentic sources of information on the subject, and he did not find that any considerable force had passed the Great Belt on the ice for above 150 years. It had rarely happened that even individuals had been enabled to cross in that manner. It was well known that the cold in most of the European states was not now what it had been. The draining of morasses, the cutting of forests, and the general cultivation and improvement of countries, had made great alterations in their climates; so that not only had no troops passed the Great Belt on the ice during the last 150 years, but during the last 60 years no instance had occurred in which that arm of the sea had been so bound up by frost, that a general would have ventured to march an army across it. But even had it so chanced that a very hard frost should have suggested to the French, the idea of marching across the Belt, what would have been the consequence? A noble lord had stated the other evening that there were 35,000 troops in Zealand, certainly there were 30,000 in Holstein: this amounted to 65,000 Danes. The Swedes were their allies, and so were we; and was it possible that France could have got a force over the Great Belt, in spite of the Danish force, and the Swedish force, and the British force united? Had the Belt not been frozen over, the French would have no chance whatever of getting into Zealand. The Danes themselves could have kept them out; and therefore to imagine that the conjunct Danish, Swedish, and British marine could not have prevented them, would have been most childishly absurd. As it was material to know what were the means which France possessed of carrying her plans into effect, he had framed a Resolution for that purpose, although he was convinced she possessed no such means.—The next consideration was, how far France was to receive assistance in the execution of her projects from Russia? Immediately after the conclusion of peace at Tilsit, it had been argued by many, that Russia had thrown herself into the arms of France, and thereby had given preponderance to that power in the North of Europe. To those who believed this it must have been strange to see the Danish marine taken possession of by this country, and the Russian marine permitted to rove about at pleasure. In one of lord Leveson Gower's dispatches, dated the 2d of Sept. (p. 191.) his lordship stated that in a conference with general Budberg, the general allowed the existence of secret articles in the Treaty of Tilsit, but declared that those articles had no reference to England. Now, it had been insisted in his majesty's Declaration relative to Russia and Denmark, that it was a knowledge of those secret articles that had induced his majesty to take the steps that he had done for the purpose of securing the Danish fleet. It therefore became material to know when his majesty's ministers became acquainted with those secret articles; how far they related to Denmark; and how far by those articles France approached her purpose, with regard to the marine of that country. In another dispatch lord Gower said, that in a conversation with the Russian minister, the latter had not alluded to the transaction at Copenhagen, and added, that he was surprised next morning to receive a Note (p. 194) in which it was stated, that the emperor experienced great pain and anxiety in consequence of an intimation of this transaction, which he had received from his own minister, and from the court of Denmark. The English ambassador was instructed to give an account to the court of St. Petersburgh of the motives by which the British ministry had been actuated. He was instructed to declare, that they had been long in possession of data, which left no doubt of the intention of the French government relative to the marine of Denmark. Why this they might have known ever since the war broke out! He was still further instructed to say, that the Danish fleet had been intended to aid in a descent on the coast of the British empire, and, therefore, that the security of his dominions had obliged his majesty to deprive France of so powerful an assistance (p. 205.) This was the explanation given by his majesty's ministers to the emperor of Russia—to that very emperor of Russia, who was now represented by them as the chief instigator to the hostile confederacy against us! Was it possible that any person representing his majesty, and satisfied that Russia was what she was now described to be, when he was asked by the court of St. Petersburgh what was the cause of our conduct at Copenhagen, could have replied, that his majesty's ministers possessed data which left no doubt of the intentions of the French government relative to the marine of Denmark? Would he have duly maintained the honour of the crown, and the dignity and interests of Britain, if he had tamely said that we had such data? He was convinced that our government had at that time no settled belief, that Russia was engaged, or disposed to engage, to act with hostility against us. The British ambassador at the court of St. Petersburg, of whose honour and ingenuousness there could be but one opinion, would otherwise have answered to the demand of Russia, "Why do you ask me this question, when you yourselves have created the necessity; when you yourselves have been the chief instigators and promoters of the project, which my government have taken these steps for the purpose of defeating?"—In another dispatch from this country to lord Gower, dated the 27th of September 1807, when Russia had offered to mediate between Great Britain and France, the right hon. secretary (Mr. Canning) writes, that the terms on which that mediation could be accepted, were 1st, 'the frank communication of the articles of the Treaty of Tilsit, secret as well as avowed.' Now, he thought that at that time the right hon. secretary knew them, and yet a knowledge of them from Russia was insisted upon as the sine qua non of an acceptance of her offer of mediation. Instead of grounding the objections of our government to accept the mediation of Russia, on the conduct of that power with regard to Denmark, the dispatch proceeds to state the anxiety of his majesty on a variety of other topics—on the movements in the mediterranean—on the surrender of Corfu—on the intentions of Russia with respect to Turkey—on the public articles of the Treaty of Tilsit, which recognized the French king of Naples only as king of Naples, although that article might in effect be contradicted by a secret article, adding to that title that of the Two Sicilies. These were the considerations which the right hon. secretary urged the British minister to press, as reasons for desiring the disclosure of the Secret Articles of the Treaty of Tilsit; but on any confederacy existing between Russia and France to force the Danes to join against Great Britain, the dispatch was perfectly silent. How was it possible then, that the right hon. secretary, or the British ambassador, could at that time really believe that Russia was the chief instigator of the project by which France was to have been put in possession of the Danish marine? In another dispatch from the right hon. secretary, of the 28th Sept. (p. 204) he signifies to lord Leveson Gower his majesty's entire approbation of the answer returned by his excellency to gen. Budberg's Note on the subject of the operations at Copenhagen; which answer contained not the most distant allusion to Russian interference, as being a motive to those operations. The dispatch then goes on, and for the first time, Russia is mentioned by the right hon. secretary, as constituting a great part of our danger. He says, that certain enumerated circumstances "formed such a body of evidence, not only of the designs of Bonaparte, but of the connivance, if not of the participation, of Russia, that his majesty would have been wanting alike in what he owed to his own dignity and to the security of his dominions, if he had not taken the most effectual steps for breaking through the combination that was collecting round him; and it would have been idle, under such circumstances, to have waited the consent of Russia to measures calculated to repel a danger of which Russia herself formed so large a part." But there were no instructions to our ambassador to represent to Russia herself the consequences of her own conduct, or the mischief which his majesty apprehended to his own dominions, from her submitting to the guidance of France. The dispatch proceeded to state, "that his majesty is perfectly willing that the pacification with the court of Denmark, should be wholly the work of the emperor of Russia." The emperor of Russia, who, but two or three paragraphs before had been described as the chief instigator of the designs against Great Britain, and the great troubler of the repose of the North of Europe! At this time a change took place in the Russian administration. Gen. Budberg gave up the portfeuille of the Foreign Affairs to count Soltykoffe. In the first interview that our ambassador had with count Soltykoff, he complained to him of not having received any communication of the secret articles of the Treaty of Tilsit. Then in a dispatch, dated St. Petersburg, Oct. 7 (p. 207.) lord Leveson Gower states, that he had communicated to count Romanzow a copy of the Capitulation of Copenhagen, accompanied by a short note (which note had not been laid on the table of the house.) In this dispatch the noble lord says, that "he thought it necessary to let the Russian ministry clearly understand that his majesty was not to be frightened out of the pursuit of such measures as he might judge expedient for the security of his empire, by any indirect menace or intimation of the displeasure of the emperor of Russia." (All this while not one word is said of the conduct of Russia, with respect to Denmark). In reply, count Romanzow observed, "That neither he nor the Danish minister had received any accounts from Kiel since the capture of Copenhagen; that the emperor, therefore, being as yet, unacquainted with the sentiments or views of the Prince Royal of Denmark since that event, naturally waited for the communication of them, before his Imperial majesty could make up his own opinion upon the question." Count Romanzow then asked his Lordship, "Whether it was the intention of his majesty's government to restore the ships to the king of Denmark, in the case of peace being concluded with France?" To which lord Leveson Gower answered, that, "the possession of the Danish fleet had been obtained by force, and not by negociation." In one of the dispatches from lord Leveson Gower, dated 2nd of Sept. our minister expresses satisfaction in finding that "a considerable change had taken place in the tone and temper of general Budberg's conversation." He had become "mild and conciliating," he had expressed "great anxiety to remove every difficulty in the way of a perfectly good understanding between the two countries;" and in a subsequent dispatch lord Leveson Gower declares his surprise to have received on the following morning a Note from general Budberg expressive of the emperor's astonishment at the information he had received from his minister at Copenhagen, of the propositions made by Mr. Jackson to that court;—propositions which he terms "as derogatory to, as incompatible with, the dignity of every independent power." The fact was, that when lord Leveson Gower had an interview with general Budberg, the emperor was at Gatschina, where he had been for several days. On his return, the Russian minister did certainly communicate to our ambassador a note not of a very friendly tenor. There were two or three other most material paragraphs in these dispatches, which he should notice. The case which his majesty's ministers wished to make out was, that Russia had been all this while secretly instigating Denmark to join the confederacy against us; and yet on the 4th of Nov. his majesty's minister at St. Petersburgh, after detailing the difficulties which he had experienced in obtaining an interview with count Romanzow, says that "he had been informed that some members of the council, who had been consulted in the present very critical state of affairs, had advised the emperor not to reject the present opportunity of re-establishing the tranquillity of the North of Europe, and that their opinion had been adopted." So then, down to the 4th of Nov. the emperor of Russia entertained this favourable disposition towards England! In the next dispatch, inclosing the Russian Declaration, lord Gower observes, that general Savary and the other members of the French mission, "boasted, that they had gained a complete triumph, and had carried not only this act of hostility against England, but also every other point essential to the success of Bonaparte's views." What! had they been labouring from the conclusion of the Treaty of Tilsit down to the beginning of Nov. before they could succeed in carrying these "points so essential to the success of Bonaparte's views," and was that conduct of Russia to be assigned as a reason for our breaking in upon a neutral nation and robbing her of her fleet? In no period of the history of any country could a similar transaction be found. But, suppose he were to concede in argument that which was completely contradicted by the dispatches on the table, that Russia had been active in forming a confederacy against G. Britain, was there the smallest proof that Denmark would have been disposed to join it? And what means had Russia to compel her? She could not march an army down the Baltic, and what fleet had she to oppose against the united fleets of England, Denmark and Sweden? The power of protecting the neutrality of Denmark was all on the side of England, not on France. Was it probable that Denmark would have sacrificed her East and West India possessions, her own Islands, and Norway, because France might have threatened her with the loss of Jutland and Holstein? He defied the right hon. secretary to shew on the table one syllable of evidence, that Denmark entertained such an intention. He had shaped other Resolutions for the purpose of enquiring what had been the conduct of his majesty's ministers with respect to Denmark herself; and whether, having determined to pursue a course hostile to her interests, they had pursued a course advantageous to ours. He had asked for the Instructions to Mr. Jackson on this subject, which were not refused; but he had also asked for the correspondence between Mr. Jackson and the government of Denmark, which was denied him. He had asked for these communications, because he wished to know whether they had been of a nature calculated to prevent a continuance of hostility, or to procure a restoration of peace. He had been informed, that instead of making any proposal consistent with the honour and dignity of the Danish crown, no proposal had been made by the British government, in which the continued possession of the Danish fleet did not form a part. Why be at the expence of sending special missions to Copenhagen, when it was determined to adhere to terms so odious and so inadmissible on the part of Denmark? He had been told that it was proposed to Denmark, that her fleet in whatsoever condition it might be at the time, should be restored to her; not on the conclusion of a Definitive Treaty of peace with France, but 3 years after the conclusion of such a treaty! A proposal that could have been made only for the purpose of insulting the Danish court. How had his majesty's ministers acted with regard to Zealand? They stated the necessity of anticipating the views of France as the justification of their conduct. They had attacked Denmark because France entertained three projects: the 1st of shutting the Sound against Great Britain; the second of excluding her manufactures from the Continent; and the 3rd, of taking possession of the Danish fleet. Now, unless his majesty's ministers had reduced the power of Denmark so low, that she was not able to assist France, they had secured to France the attainment of two of her objects; for certainly after our entering Zealand, Denmark would shut the Sound, and exclude our manufactures from that part of the continent. By what ministers had done, they had provoked hostility without depriving of the power of revenge. If our army had been able to beat the Danes, as asserted the other evening by a noble lord, might we not have kept Zealand? With the assistance of Sweden and of our own reinforcements, what chance would France and Denmark, united, have had, to get back this important possession? To abandon it was the height of weakness. But even if we had not kept Zealand, could we not have dismantled the arsenal and destroyed the docks? could we not have blown up the Crown Batteries and Cronenberg Castle, and secure to ourselves the quiet passage of the Sound? Why so shabby in our iniquities? When we imitated the atrocities of the ruler of France, why not imitate the grandeur and magnitude of his designs? Would Bonaparte, under similar circumstances, have given up Zealand? The conduct of ministers showed how weak it was to do ill by halves. If it was necessary to attack Denmark at all, then it was their duty to render her as inefficient as possible. The same motives that justified the one would justify the other. He presumed it was not want of will in the right hon. gentlemen opposite, but want of knowledge. He trusted at least that they would not talk of scruples, or morality, or law; these according to the modern tenets, were considerations fit only for fools and philosophers, not for statesmen. Would they venture to contend, that it was no disadvantage to G. Britain to have the Sound shut against her commerce; to have Zealand created, what it certainly would be, a strong depository of force against her arms? Having begun the work of destruction, they neglected their duty by not completing it. Let them not say that he gave counsel so atrocious, so monstrous, that their delicacy and sensibility would not allow them to accept it. They had affected to look with great anxiety to the next spring, and had congratulated themselves that by the seizure of the Danish fleet, that anxiety was relieved. But what would they do in all succeeding springs? Were they disposed to put Ireland in a state of greater contentment than that in which she was at present? If not, why leave Denmark so much power? Having alienated Denmark from England, France would construct in Copenhagen fleets much faster, better and cheaper, than in any other port of Europe. His majesty's ministers had expressed great solicitude for Sweden. A subsidiary treaty with Sweden was soon to be laid on the table of the house. France had long been the enemy of Sweden; Russia probably had become so. Denmark was rendered the ally of France, and thus by refraining from dismantling Zealand, Sweden was exposed to the greatest danger. All these considerations pressed with the greatest urgency for the fullest information on the subject. There did not appear to him the slightest justification of the conduct of ministers with regard to Denmark. If they could justify themselves for the acts that they had committed, then they could not justify themselves for the acts that they had not committed. In commencing the war, in carrying on the war, in the mode of seeking for peace, in all, he thought them completely wrong, and on all, he demanded the fullest information. Above all, he trusted that he should never hear such transactions as the Expedition to Copenhagen justified, on the ground that statesmen and nations were absolved from an observance of the laws of morality. On what principle were they so absolved? Did not the same Divine Providence which watched the conduct of individuals, watch also that of States? Look," said the right hon. gent, "at your conduct with respect to America. When you departed from the rules of justice and morality, you lost America. France interfered, and she had no right to interfere. She interfered not for the purpose of emancipating America, but of weakening England, and thereby strengthening and aggrandizing herself. But the government which thus interfered, has been punished for it. The principles which the French armies learnt in that country, became the seeds of that Revolution which overwhelmed the government, scattered the royal family which sent them across the Atlantic, and compelled them to seek an asylum in this country. Were there no other instances? He would beg these philosophers of the modern school to study in the book he should open to them. Let them look at the partition of

Poland: there they would read that Prussia, the prime agent in that detestable confederacy to destroy not only the power, but the very name of an independent state, had been deprived of her share of the robbery, and reduced to the most abject and deplorable state. There they would see Austria and Russia scrambling for their part of the spoil, and crouching at the feet of Buonaparte. Who could say, that the justice of Providence was not evident in all this? The chief object of the Resolutions he had to propose was, if possible, to obtain such information as must satisfy him that ministers were justifiable in what they had done. He was anxious the character of the country should stand as fair as it always had done, and that it should not be made a reproach to us, that at the very time we were most vehement in condemning the atrocity of France, we went far beyond it. The right hon. gent. concluded with moving his first Resolution: viz. "That an humble address be presented to his majesty, praying that he would be graciously pleased to give directions that there be laid before the house, the substance and dates of all information transmitted by his majesty's minister at the court of Copenhagen, during the last year, respecting the Naval Force of Denmark; and particularly respecting any measures taken for augmenting the same, or putting it in a state of better preparation, or for collecting seamen for the purpose of manning the same, or any part thereof."

Mr. Secretary *Canning* then rose. He commenced his reply by observing, that the moment was at length arrived, when the gentlemen opposite, so peculiarly qualified by their own splendid achievements, to enquire into the conduct of their successors, had, by a worthy selection of the right hon. gent. who had just sat down, put his majesty's ministers on their trial for that, which, until questioned by them, had been considered as the salvation of the country. In the greatness of his apprehension, lest all moral impressions should be effaced from the minds of the house, the right hon. gent. had taken a course which afforded a brilliant example of a morality, not only out of the ordinary track, but more severe even than that Roman morality, which he knew had its admirers on the opposite bench. His majesty's ministers were called to account—not for disaster and disgrace. They had been called to answer on an accusation of success, to explain the elements, and justify the motives of an eminent service successfully performed. Whatever might be the decision of the house, he, for one, should always feel the highest satisfaction in having been so accused. It was also a source of peculiar gratification, that no imputation could rest on those gentlemen by whom this motion was brought forward, of being actuated by party feelings, as had sometimes happened, when the successors of an administration had been left in possession of a glory, which they had dilapidated. He was not aware that any envious feelings of comparison could have instigated the present motion; when nothing had been done by one set of men, it was impossible to compare their actions with what had been done by another. There was another feature in this transaction honourable to the character of the house; they were not then debating how to ward off impending danger, but, in comparative security, were discussing by what mode that security could be continued. According to the sentiments of the gentlemen opposite, the restoration of the Danish fleet would be the best mode of continuing that security; for, certainly, if it were decided, that the taking of them was unjust, the justice of retaining them could not possibly be asserted. The house would not blame the spoilers and yet keep the spoil. Though he could not agree with the right hon. gent. in his conclusion, he agreed with him in his premises, that if injustice had been done, it should be not only marked but repaired. The right hon. gent. had fairly stated, that the disposition of Denmark and Russia, and the means of France, constituted the question before the house. He had admitted the designs of France without any other evidence than that contained in his majesty's speech. With respect to the disposition of Denmark, he begged the right hon. gent. to recollect, at the outset, that it was not maintained by his majesty's ministers, that wilfully, knowingly, and of choice, Denmark had been desirous of war with G. Britain rather than of peace. This had neither been maintained, nor was it necessary to be so. A right hon. friend of his, on the opposite side of the house (Mr. Sheridan), had said, on a late evening, that a case of weakness on the part of Denmark, and of a determination to avail herself of that weakness, on the part of France, would alone be a justification of the conduct of the British government. Though he did not impute to

Denmark a disposition to go to war with this country, he protested against the advantage which was taken of this admission, when it was asserted, that we had had the hearts of the Danes, and that we had forfeited them. He did not like talking of national dislikes, but such an observation evinced a most complete blindness to the fact, which was, that from the moment of the Armed Neutrality, in 1780, there had been a feeling towards this country on the part of Denmark, not of direct hostility, but certainly not of very cordial friendship. Every body knew what had been the conduct of Denmark at the end of two former wars. In inciting the Armed Neutrality of 1780, Denmark had been an active agent; and at the end of 1800, but a few months after Denmark had declared her abandonment of the principles on which the armed neutrality was formed, she again entered into a league confederated against G. Britain. Did this testify the good intentions of Denmark? Or, on the other hand, did it testify her means of resisting the influence of superior powers? Let whichever part of the alternative the house chose be adopted, he would not hesitate to say, that any government would be lost to a due sense of the interests of the country, if, with a recollection of former occurrences, they had not looked with vigilance and suspicion to see how Denmark would conduct herself at a period of so much greater danger to G. Britain. Was it not probable, that a league of much more force, and knit with much greater vigour than any preceding one, would be formed against this country? Was it not probable, from the experience of the past, that Denmark would be induced by inclination, or compelled, by force to join that league? The favourite project of Bonaparte, since he had desisted from his threat of immediate invasion, was to destoy our commerce, and to collect a naval force which should run down the navy of G. Britain. Not a treaty did he conclude in which the exclusion of British merchandise and shipping did not form a leading article. In terms too plain to be mistaken, he had avowed his intention to bring every power of the continent to bear upon G. Britain. Was there any thing in the situation of Denmark which rendered it probable, that she was out of his view in this avowal? To all these presumptions the right hon. gent. had thought it sufficient to answer, that Denmark had prepared against any attempt on the part of France, to control her conduct, by stationing a military force in Holstein. What was the history of that force? The greatest danger to which Denmark was exposed from France, was in 1803, when France occupied Hanover with a large force. Then not a man was in Holstein beyond the peace garrison. In this state the boasted cordon of Holstein remained till the period that France seemed disposed to molest Denmark?—No—till the army of England and Sweden were in force in Hanover; then, and not till then, the Danes increased their military power in Holstein. He must be an ingenious arguer who could deduce from this circumstance that England had been the object of the sympathy of Denmark, and France of her apprehension. After the battle of Jena, the territory of Denmark had been violated by a French detachment in pursuit of a Prussian corps, and a slight skirmish took place with the Danish troops, in which a Danish general was taken, and conveyed to the head-quarters of the French general, where, in place of being treated with the distinction to be expected from an officer of a friendly power, he met with no very flattering reception; and was sent back, after his horse had been stolen, and his pockets picked, under every species of injury which a licentious soldiery could inflict. This had been done whilst the Danish army collected to cover the neutrality of Holstein was stationed in the neighbourhood. Was this event followed by the advance of that army? No such thing; the insult was immediately succeeded by the retreat of the Danish army; and this circumstance produced a remonstrance, on the part of the British government, against the conduct of the Danish government, in neglecting to vindicate its neutrality. The mention of this circumstance led him to contradict a misrepresentation which had been charged against the British government, namely, that the Danish army had been stationed in Holstein at its desire, in order that its designs against Copenhagen might be more easily accomplished. This statement was so wholly unfounded, that it was not till the retreat of the Danish army, before a handful of French troops, that the British government had made a representation, complaining, that that was not the way for Denmark to enforce its neutrality. The conduct of France to Sweden was very different. When the French division, commanded by general Murat, entered Lubeck, 2000 Swedish troops were made prisoners, after the storming of the town, and the general who commanded them was not only treated with every distinction due to his rank and character, but sent back with a message to the king of Sweden from the French general, the brother in law of Buonaparte, inviting him to make common cause with France, intimating that it would be for his advantage to do so, and hinting that it was unnatural for Denmark to possess Norway, which ought to be annexed to Sweden. This had been the conduct of France towards Sweden, at a period contemporary with the assertion of the Danish neutrality; and when afterwards a negotiation was entered into at Hamburgh, for the release of the Swedish prisoners, the same communication was made to the Swedish chargé d'affaires there. What was the conduct of the king of Sweden upon this occasion? He sent immediately to acquaint the Crown Prince with the offer that had been made to him, and proffered the assistance of 20,000 Swedish troops for the defence of Denmark, an assistance which the British government also had strongly recommended to the acceptance of the government of Denmark. This offer, thus recommended on our part, had been rejected by the Danish government, which, in communicating the terms of the offer, concealed entirely the proposal of France respecting Norway. Could the right hon. gent. then contend, that after such conduct, we had a right to rely on the frank and full declaration of Denmark? Shortly after, Hamburgh was evacuated by the French, but re-occupied on the 19th Nov. only two days before the famous Decree of the 21st Nov. This Decree was communicated to the Danish government, and no remonstrance was made against it, yet, when the mitigated measure of retaliation was afterwards resorted to by the British government, then the rage of the Danish government was excited, and a determination to resist its execution declared. It was due, however, in justice to the noble lord who preceded him in office, (lord Howick) to state, that this determination had been manfully met; which led to its abandonment. He did not mean to insist on this as conclusive, though it amounted to a strong presumption, that, whether from predilection or necessity, the Danish government had no power of election between England and France; there was no choice, no discussion, no reasoning upon the subject. The magistrates of Hamburgh had remonstrated against the Decree of the 21st of Nov. and sent a deputation to wait upon Buonaparte with it. In the conference which the deputies had with Buonaparte, they represented to him the ruin of commerce that would be the consequence of pursuing his wild plan of restrictions, to which his answer was, "that he would annihilate all commerce; for, as commerce and England were identified, and he was determined that England should fall, it was necessary that commerce should fall also." But, he did not stop there; he added, "that he would make others co-operate with him," and then adverting to this mighty neutral, this powerful independent state, he said, "let that little Prince take care, or I shall teach him how to act." This was not a private communication, but a statement in a conference which had since been published. What was it that Buonaparte was to teach the Crown Prince of Denmark, to whom he directed such an insulting observation as no one individual could address to another without offence, except the manner of making his means subservient to the views of the French government? When the French shut the Elbe and the Weser, the Danish government consented to the measure without a murmur, but remonstrated strongly against our blockade of those rivers, though the remonstrance was afterwards given up, when it was found that it would be injurious to their own commerce to press their objections to the measure. That it was not the determination of the Danish government to defend Holstein against the French, appeared evident from a variety of opinions, which he found recorded in his office. The right hon. gent. had called for Copies of Correspondence to shew what was the immediate intention of Denmark, but he must contend, that the concurrent opinions of several ministers at different times, and under similar circumstances, were more to be depended upon as a ground of decision, than the opinion of any individual, however qualified he might be to form a correct judgment.—The right hon. secretary here read extracts from several dispatches from Mr. Garlicke, dated Copenhagen, Dec. 1806, stating, that, after the French Decree of the 21st Nov. had been communicated to the Danish government, a demand was made that the Danish army should be withdrawn from Holstein, that no English or Swedish troops should be allowed to enter the Danish territory, nor any measures taken demonstrative of distrust of France: that on receipt of this intelligence at Kiel, relays of horses had been provided, not for the advance, but to secure the retreat of the Crown Prince. He also read from a subsequent dispatch, dated 28th Dec. 1806, that no preparations for defence had been made, nor any inclination shewn to resort to the aid of the natural allies of Denmark; that several persons employed in the offices of state, though not in the highest department, acted in collusion with France, and were attached to the French interests; that these persons would have considerable influence on the opinions respecting the defence of the country; and that viewing the indolence of some, and the activity of others, at the Danish court, he (Mr. Garlicke) thought it his duty to state the truth, that there was reason to conclude, that when France was in an attitude to inforce her demand, she would insist upon the exclusion of British vessels from the ports of Denmark, and probably afterwards upon the surrender of the Dock Yards of Copenhagen; and that it was therefore the more necessary for the British government to use every means of vigilance and precaution, to defeat the designs of the enemy in that quarter. These had been the opinions of that minister upon the policy and temper of the Danish government, and yet that was the power upon whose determination they were required implicity to rely. It would not be just for him in stating these facts, to withhold his tribute of applause from those who had preceded him in the office he had now the honour to fill, and who had met with firmness the remonstrances and demonstrations of the Danish government. The noble lord who immediately preceded him had instructed Mr. Garlicke to declare to the Danish government, that his majesty could never, in the event of that power submitting to the controul of France, suffer either the whole or a part of its navy to be placed at the disposal of France. [Loud cries of hear! hear!] The hon. gentlemen opposite might continue their acclamations, but the opinion was entitled to respect. Perhaps, however, the noble lord had not considered the means adequate to the end, and did not look upon the capture of Holstein as more likely to secure the possession of the Danish fleet, than the conquest of Alexandria that of the Turks. But the instructions of the noble lord went on to say, that if the Danes should suffer the French to occupy Holstein, his majesty could not abstain from those measures which would be necessary to maintain the honour of his crown and assert the interest of his subjects. [Loud cries of hear, hear! from the opposition.] He presumed, from their acclamation, that the gentlemen opposite inferred, that these measures should not be resorted to until the Danish navy should be actually taken, or until the agreement should be entered into for its surrender, or until a communication of such agreement should be made by a government, which had entered into a convention with this country in August, and in the December following had violated that convention. The whole conduct of that court shewed, that, either from necessity or inclination, it would have taken a part against this country, and it was no weak presumption of such an event, that all the offers of France had been kept back from this country, whilst they were amusing us with the assurance, that they placed an implicit reliance upon the Declarations of France. He had been hitherto speaking of the state of Denmark in Dec. 1807, and Jan. 1808, when Buonaparte was employed at a distance in Poland against armies, certainly not equal to his own, but which kept him at bay, and by a small assistance might have been rendered equal to his armies. By what means could Denmark defend herself against the French, when Buonaparte should return with his whole force triumphant from Poland, after she had refused the assistance that had been offered to her? Of all persons he did not think that his majesty's ministers should be accused of injustice by the captors of Alexandria; of mismanagement by the attackers of the Dardanelles; as inglorious by the conquerors of Constantinople?—But though he should admit that the demand of the Danish navy was a strong measure, yet there was some extenuation in that case, which did not apply to the demand of the Turkish fleet. He did not mean to argue here the difference of the necessity in either instance. There was this circumstance which bore upon the case of the Danish navy, that the Danish government, contemplating the dangers that were gathering round it, had entertained the project of reducing its navy by sale, and he had it upon authority to state, that the Russian minister had actually entered into a treaty for the purchase of part of the Danish navy.—As to the influence of national pride, therefore, it could not be very active, for he could not conceive any situation that this country could be placed in, in which she could entertain a proposal for the disposal, by sale, of any part of the British navy. This would not certainly justify the demand of the Danish fleet, but it certainly did strip the right hon. gent.'s speech of part of its gorgeous eloquence. The experience of the past had enabled his majesty's ministers to judge of the conduct that would be pursued by Denmark. Had she not received intimation of the dangers that impended over her? Had not the Bulletin published by Buonaparte after the battle of Friedland given her notice of her approaching fate, when it stated, "that the blockade of the British islands would then cease to be a vain word." What ports but those of Denmark could this prospective threat apply to, for what others were neutral? The conferences too, at Tilsit, and the immediate execution of some of the arrangements entered into there, by the restoration of the dukes of Mecklenburg and Oldenburg, for whom the emperor of Russia had particularly interested himself, on the condition of shutting their ports against Great Britain, shewed the designs of Buonaparte, and pointed to Denmark as the next state that would be called upon to submit to his laws of blockade.—To Denmark alone this intimation of the Bulletin referred, and accordingly she was found shrinking into her shell as France approached, and neglecting to make any addition to her means of defence. She had declared the French Decree of the 21st Nov. innocent, whilst she remonstrated strongly against the British mild retaliation in the Order of the 7th of Jan. as unjust; and yet this was the power which they were told was capable of defending itself against France! The proposition was not maintainable, and if his majesty's ministers had not acted upon the impressions they received from the experience of the past, and their knowledge of the state and sentiments of the court of Denmark, they would not have done their duty. If they had not taken the very steps which were now censured, the eloquence of the right hon. gent. was cold and dead, compared with the thunder that would have then rolled over their heads. But these were distant warnings. Had not Denmark more immediate intimation of its danger? General Bernadotte, on coming to take the command at Hamburgh, directed the assembled burghers to prepare quarters for 15,000 men, which he represented as only the advanced guard of a much greater force, that was to be employed on an expedition which would not require him to be long absent from Hamburgh. Whither could this expedition be directed but against Holstein? Bernadotte had also been charged with a mission to the Crown Prince at Kiel; and, though he should state as a fact, a thing which he did not know upon official authority, that officer, he was assured, had had an interview with the Crown Prince at Kiel, on the night of the 21st of July. He believed the fact, though he could not state it positively, and he knew also, that it was believed at Kiel, in Holstein, at Hamburgh, and at St. Petersburgh, at the time. Bernadotte, too, had made no secret of the object of his mission, being to procure the exclusion of the English from the ports of Denmark. Was this a state of things, in which his majesty's ministers were to go on confiding in the sincerity and means of the Danish government, till they should be called on for assistance? He wished to know, why they should have waited for the Declaration of Denmark, when fully apprised of the disposition of France towards that power, of the inability of Russia to controul that disposition, and of the want of means, or of inclination, on the part of Denmark, to resist the force of France? But the right hon. gentleman had argued that though there had been enough in the circumstances and conduct of Denmark to excite suspicion, or call for measures of precaution, yet there was not sufficient to justify the length to which the measures of his majesty's government had been carried. For himself, he did not know what other measures could have been resorted to; and he would defy the ingenuity of the gentlemen opposite, to shew what others could have been adopted, that would have insured the accomplishment of the object. It was not necessary for him, in this instance, to say that the whole of the force employed on this occasion, had not been provided for this expedition originally. A very large part of it had been employed to assist the king of Sweden, the remainder had been provided on principles of precaution, and, as the influx of intelligence demonstrated the critical nature of the emergency, or, as the views of France developed themselves, it became the more necessary to employ the whole upon this important service.—As to the demand of the fleet, he was at issue with the right hon. gent.; but as he meant to object to the production of the Papers he called for, he thought it right to state, that the proposition intended to have been made in the first instance to the court of Denmark, was to surrender its fleet in deposit, to be returned on the conclusion of peace. This proposition had not been submitted to the Danish government, because the gentleman who was the bearer of it, on his arrival at Kiel, felt confident that he should see the Prince on the following morning, but found in the morning that the Prince had set out for Copenhagen; on following the Prince to Copenhagen he found he had returned to Kiel. The Danish minister whom he met at Copenhagen, had orders not to treat upon the terms he was authorized to propose: the minister at Kiel could not treat till the return of a courier from Copenhagen; the minister at Copenhagen could not open a negociation till the return of a messenger from Kiel. Under these circumstances, it was impossible to enter into any negociation that could hold out any prospect of a speedy or satisfactory result, and thus it was that the original proposition had never been submitted to the Danish government. A sufficient force had been sent to justify the court of Denmark to France in conceding to our demand, or, if it did not concede, to accomplish the object for which it had been dispatched.—As to the violated dignity of the Danish nation, the very display of our force before Copenhagen might be considered a violation of that dignity. If one of our cruizers had searched a single Danish ship, or stopped a corporal's guard going to Zealand, this might also be called an attack upon that nation; and upon this subject he should quote a great authority upon the law of nations, which he held in his hand. That great modern expositor of the law of nations, whom the right hon. gent. in the religious part of his speech, seemed to consider as a special instrument in the hands of providence, Buonaparte, who, in his tender concern for the interests of this country, always took care to give an exposition of his sentiments at a time when it would bear on a parliamentary debate, had given, in a Moniteur which arrived this very day, a sufficient proof of what would have made him consider Denmark as in a state of hostility with France. When the Austrian minister, Starhemberg, was recalled, he was particularly ordered to leave London by the 20th, as parliament were to meet on the 21st: and a Moniteur which had arrived this very day, had given an exposition of Buonaparte's sentiments with respect to neutrals. In the justification of the conduct of France towards Portugal, one of Buonaparte's ministers says in his official report, "If any sovereign in Europe should allow his territory to be violated by the English, the act would clearly place that sovereign in hostility with your majesty, and, therefore, if the Portuguese have suffered their vessels to be violated by the cruizers of that power, they, too, were in hostility with your majesty." Now, those who thought so much of the wounded pride of Denmark, should consider, that upon this principle, the search of the smallest vessel, in crossing the Belt, would be sufficient to place Denmark in a state of war with France. With a French army on the frontiers of Holstein, and no English fleet or force off Copenhagen, it would be an idle waste of words, a mere mockery of negociation, to enter into any discussions. Humanity as well as policy required a force large enough for the ultimate accomplishment of the object under any circumstances. No man could blame his majesty's ministers for having made the force much larger than was necessary for either object, in order to invite the surrender of the fleet which was required; but, when no proposition would be listened to, it was satisfactory that the means employed were sufficient for the accomplishment of the object with the least possible loss. The right hon. gent. had said that the case could only be justified by necessity, but he was sure the right hon. gent. must carry his principle further, and, admit that the measure ought not to be carried beyond the necessity of the case. He was therefore surprised to hear the right hon. gent. say, at the conclusion of his speech, that the measure ought to have been pushed to extremity. By other premises he might arrive at that conclusion, but certainly not from those he had that night stated. The right hon. gent. had said, that the Danish government could defend the islands against France, though France should be in possession of Holstein. But, if the Danish navy was not prepared against England, neither could it be prepared against France. However, the fact was, and it was notorious, that after Zealand had surrendered, many Danish troops had succeeded in getting into that island, notwithstanding the judicious distribution of the British naval force in the Belts, by the very able officer who commanded in that quarter. On the authority of his predecessor he could state, that the pressure in Holstein was considered as likely to lead to the surrender of Zealand. The right hon. gent. had asked, why they had not put their questions directly to Russia, respecting her conduct? he would answer, that they had flattered themselves, that by pursuing a course rather conciliatory, they might bring back Russia to the line of her true policy, and therefore they abstained from any conduct that might drive her irrecoverably into the arms of France. But the right hon. gent. asked why, if Russia were a party against us, we ought not to have selected Russia for our attack? To this question which had been so often put, the answer was so obvious, that he was surprised to hear it repeated. If they had had certain information of the hostile intentions of Russia, and the object which they had in view, were not attainable by any other means, he agreed that Russia should have been attacked. It had been shewn, that the object sought from Denmark could not have been obtained without a prompt and peremptory force, and that that object was of the highest moment to the security of this country. An attack upon Cronstadt might have been productive of glory, but would not have diminished the maritime means that could be employed against us, and which constituted our danger. Would it then have been wise, or politic, or safe, to have passed the harbour of Copenhagen, which contained 20 sail of the line, that would instantly become the instruments of the enemy's vengeance against us, in order to execute a barren bravado against Cronstadt, where we could obtain but three or four rotten hulks. It was true, he admitted, that Russian ships of the line had passed through our fleets, and we had the choice of attacking them; but, aware of the circumstances by which the emperor had been rendered the friend of France, of the disgusting humiliations to which he had been subjected at the conferences of Tilsit, and hoping that his magnanimous spirit might still be driven to resistance and aggression, his majesty's ministers had still cherished the hope that the emperor Alexander would retrace his steps, not for the purpose of a renewal of war with France, God forbid! but in order to consult the true interests of his empire. In the present circumstances of the world, a war with France would be hopeless; but it was not hopeless that the spirit and disposition of his people might bring him back to better councils. They had strong grounds to know that the intentions of Russia were hostile, but, in the most inauspicious moment, they were not without expectations of altering them. The right hon. gent. had contended that this prospect was not improved by calling upon Russia to sanction the business of Copenhagen; but it was somewhat strange, that such an opinion should be entertained, by those who held that it was of no consequence whether a mediator was friendly or not. He could assure the right hon. gent. that the note of baron Budberg, which he imputed to some French intelligence respecting the tranactions at Copenhagen, was not produced by any such cause. The business at Copenhagen had been known at St. Petersburgh on the 22d July, a week before that note was written; and if gentlemen reflected, that general Savary dictated to the emperor of Russia in his capital, they might easily account for the asperity of any Note which might have been submitted to his inspection. All accounts agreed in representing, that the mind of the court of Russia was alienated from this country, and one might easily conceive a reason for that alienation. The expectation of assistance from this country, no matter whether well or ill founded, was the cause, not of the peace of Tilsit, but of the temper in which it was concluded, when the military disasters had rendered that peace necessary. Out of twenty dispatches received from our ambassador with the emperor, there was not one in which he did not say, "Send assistance, or Russia will fail you; make a diversion, which will take part of the weight of war off Russia, or she will withdraw from it." As to the charge, that the expedition to Copenhagen was the cause of the hostility of Russia, he contended on the authority of our ambassador at Petersburgh, that the fact was not so; but he could also refer to the authority of another noble person, who had an ample opportunity of knowing the truth of what he here advanced, and he should do this with the more satisfaction, because of some rumours he had heard, that that noble person (lord Hutchinson) had declared an opinion since his return to this country, that the Expedition to Copenhagen was the cause of the hostility of Russia. The right hon. secretary here read an extract from a dispatch from lord Hutchinson, dated Memel, 20th of July, and stating, that there were many Secret Articles in the treaty of Tilsit; that the predominant party in the Russian court was French, but that the rational part of the nation was against a war with England—that it was probable the Secret Articles related to Turkey, and to the shutting of the Russian ports against England, in the event of the failure of a negociation within a limited time. This extract would be sufficient to do away any impression that the rumours to which he alluded might have made, as if the noble writer of the dispatch really attributed the hostility of Russia to the business at Copenhagen. Hoping for a change of circumstances, they had thought it better to afford to the Russian government an opportunity of releasing itself from the embarrassing engagements into which it had unfortunately entered at Tilsit; and when he considered the nature of the policy and practice of that court, when he contemplated the anxiety which it had always manifested to maintain its rank as Protector of the North of Europe, and the tenacity with which it still fondly wished to cling to that character, he could not suppose a case in which every feeling of its pride and ambition could be so completely gratified as in the submission of our differences with Denmark to the mediation of Russia as Arbitress of the North. She could thus say to herself, the sea of which I am Protectress has been violated; but those who have violated it are placed in my hands, subject to my mediation. This was the light in which he was confident the application to Russia to mediate, would be considered by every person who was a friend to the true interests of Russia, and it was so considered, until the overbearing influence of gen. Savary altered the tone of the Russian cabinet. But it had been said, why not attack Cronstadt, and insult the emperor in his own capital? There was a great party, or rather the majority of the bettermost people in Russia who were anxious for British connection; but whatever might be the partialities of such persons, they must all feel for the honour and glory of their country, and therefore it could not be desirable to destroy, by an unprofitable attack upon the national feelings, the nascent popularity of this country. We had the right unquestionably, but it was a different question, whether under the circumstances of the case we ought to exercise it: besides, the object was not worth the cost and pain of the undertaking, and the execution of it would have infallibly disgusted those who would be likely to bring back Russia to her real interests. Those gentlemen who admitted that a knowledge of the designs of France, and of the weakness of Denmark, would justify the expedition, seemed to forget the admission, and to urge the broad principles. It was undoubtedly just, that if there were a community of states in Europe, the weaker states ought to be as secure from aggression, as the more powerful ones. This was a principle which had never been denied. But gentlemen applied this principle which properly belonged to that state of Europe, in which the rights of all were secured by the sanctity of public law; and even the weakest were preserved from aggression or insult, if not by immediate protection, at least by conflicting interests. But, in the enthusiasm of the right hon. gent.'s morality, it was rather strange, that he should have forgotten the moralities of the French Revolution. In the present state of the world, whatever miseries might be produced, whatever calamities endured, whatever atrocities committed, by the permission of that Providence in whom we live, breathe, and have our being, the whole responsibility must rest upon him, who is the sole author of them. There was not now a community of states in Europe, connected by the solemnity and sanction of public law, protecting and protected by the influence of the principles of equal justice, and a mutual sense of reciprocal rights; there was but one devouring state, that swallowed up every one that it could bring within its grasp, and that so far from respecting the rights and independence of other nations, reduced all to indiscriminate subjection, rendering them alike subservient to its designs against this country. Buonaparte now dictated to all the nations of the continent, and had erased every vestige of public law in Europe. He could not but be surprised then, to find gentlemen, when censuring a measure which had proved the salvation of the country, [hear, hear!]—he should repeat, that it had saved us from the imminent dangers that menaced us, and therefore it was that he was surprised to hear gentlemen compare such a measure with antiquated crimes in which we had no share, for which we had incurred no responsibility. Was it to be contended, that in a moment of imminent danger and impending necessity, we should have abstained from that course which prudence and policy dictated, in order to meet and avert those calamities that threatened our security and existence, because if we sunk under the pressure, we should have the consolation of having the authority of Puffendorf to plead? But the conduct that had been adopted on this occasion, was not without precedent or example. In the year 1801, the island of Madeira had been taken possesion of by our government for fear it should fall into the hands of the French. Yet Portugal was a neutral nation, and had always, by way of pre-eminence, been styled the old and ancient ally of England. The capture of Madeira had been effected without any previous communication to the court of Lisbon. Undoubtedly, instructions had been sent to our minister at the court of Lisbon, to request that an order should be sent to the governor to surrender the island in good will. The instructions arrived at Lisbon about the time that the troops arrived at Madeira, and the island was consequently taken by force, before any orders could have been sent out to surrender it. Where had Portugal at that time a fleet that could convey troops for the invasion of these islands, or if she had that fleet, what expedition could be sent by her that would not be defeated by the valour and intrepidity of our seamen? He did not mean to condemn the capture of that island, because he knew that it might be, and he had no doubt that it was, justifiable upon the grounds of probable necessity; he adverted to the transaction only as a defence against the generality of the charge. But this was not the only instance in which such conduct had been practised to neutral states, in which it had been used towards neutral and friendly powers; nay, even, there was an instance in which it had been adopted by morality itself towards a friendly state. In the year 1806, there had been reports of its being the intention of the French government to invade Portugal. He had himself no doubt of the perpetual intention of the French government to prosecute that purpose, and he did not question that the design might have been in contemplation at that time, but it did not appear that any army was assembled for the purpose at Bayonne. He admired the conduct which had been adopted by the late ministers on the occasion, he applauded their spirit, and he felt gratitude for the manner in which their proceeding enabled him to meet the general question on this charge. Here the right hon. secretary read an extract from the Instructions given by the late Board of Admiralty to earl St. Vincent, when dispatched to Lisbon. The Instructions directed the noble admiral's attention to three objects; 1st, if the Portuguese government should, by itself, or in conjunction with Spain, be disposed to defend the country against the French, to promise all the assistance that G. Britain could afford, and the presence of a respectable naval force in the Tagus would contribute to that object; 2dly, if that should not be the determination of the court, and the government should embrace the resolution of emigrating to the Brazils, as it had once proposed during the late war, to offer them the assistance of a British naval force, under the protection of which alone that determination could be carried into effect; and, lastly, if there should not be vigour enough in the government, to adopt either of these resolutions, he was to prevent, if possible, the port of Lisbon from falling into the hands of the French, and at all events the Portuguese navy was to be secured; every vessel of which that was serviceable, was to be brought off, together with the ships, goods, and persons of the British factory at Lisbon, and also the court, if it should be so disposed: for the execution of these Instructions, the troops that were then embarking were to be sent to him with all convenient expedition, but he was not to give any intimation of the circumstance to the Portuguese government, nor to hold any language that might excite the suspicion of the French minister, or lead to any measures of precaution; and, as it might be necessary to employ the troops immediately on their arrival in order to secure a strong position, he was to have the marines and boats of the fleet constantly in readiness for that service. These Instructions were clear in their tenor, precise in their object, and conclusive as to the question then under consideration. If any gentleman wished for the document it would be laid on the table, and the only shyness that had been felt in producing it before was, that it would place him and his colleagues in the situation of convicted plagiarists. [Hear! hear!] These were the Instructions that had been given by morality itself, and the only difference between them and the instructions that had been given by the present government was, that the latter did not desire that the army should be introduced in disguise. But there might yet be one qualification that the right hon. gent. would apply to Denmark, namely, that her conduct, when she was relatively strong to weaker neutral states, did not merit such a measure against her. What had that conduct been? When, in 1801, the maritime confederacy held out a prospect that this country would not be able to protect its allies, Denmark treated the unprotected neutral state of Hamburgh with the most violent oppression, and for the purpose of excluding the English from that port. The same conduct had been pursued towards Ratzburg. This conduct proved that Denmark had no very strong claims for forbearance.—But, it was rather strange, that those gentlemen, who blamed government for not having accepted the mediation of Russia, should now impute it as a ground of charge that they had not passed by Copenhagen in order to attack Cronstadt. We had the right to attack Russia, but had we no interest in forbearing to exercise that right? There were, at the time, in the ports of Russia, 500 British ships, and 6000 British seamen, and gentlemen would perceive, that these formed too important an object to be hazarded for the sake of the few hulks that might be obtained at Cronstadt: besides, the fleet which Russia had in the Mediterranean was a security to us for her good behaviour. And here he would take occasion to contradict a misrepresentation that had taken place upon the subject of this fleet. The Russian squadron did not enter the Tagus by order from the government, but from sheer distress, and because all the ports of the enemy were so closely blockaded by our squadrons, that they could not enter any one of them. This squadron was first directed to touch at a British port, and even the Russian ambassador was so deceived with respect to it, that he had kept here a frigate with specie on board for the payment of that very fleet. But, if that fleet had been attacked, what an argument might yet be drawn against the precipitancy of such a measure, from the circumstance of the squadron having been directed to touch at a British port, and the Russian ambassador having detained the frigate with the specie for the pay of the crews! He had intentionally avoided referring to any thing in this debate but what was notorious; and if they were to ask why they had rested their defence upon precise information, when the events and facts that had since taken place had amply justified their measure, he would answer, that they had stated that precise ground because it was true, and not because they thought it necessary to their justification in judging of the case before the house. If any more evidence should be thought necessary, let them be condemned, for nothing should ever extort from them the source whence they had derived their information. If gentlemen should say, that this course was contrary to the practice of parliament, he would go to the Journals, to prove that it was not out of the usual course of parliamentary proceedings. Having rescued the country from a great and imminent danger, he would trust to the case as it stood, and he had no doubt but that the conduct of ministers would be judged deserving of approbation. The house might judge of the extent of the service performed by contemplating the distribution of our naval force, that might be necessary if the Danish fleet were not now in our possession.—As to what the right hon. gent. had said of the increase of the danger of Sweden by the Expedition, he could assure him, that that danger was greatly diminished by that event, and so the government of Sweden felt it.—As the right hon. gent. had alluded to a communication made by him to Mr. Rist, the Danish chargé d' affaires, he would briefly state the fact to the house. He had been commanded by his majesty, after the Danish fleet had been surrendered, to make an official communication to that gentleman, desiring that he might procure powers from the Crown Prince to negociate an accommodation, or to procure passports for a minister to go to Kiel for that purpose. This was all the official communication; he had, however, thought it right to inform Mr. Rist of the terms upon which the accommodation might be effected. He had mentioned then the period of 3 years, as that which might, after the conclusion of peace, enable us to form a judgment of the stability of the peace; and certainly, those who had witnessed the last peace must be sensible, that the period was not too long; for in 18 months after that peace, we were as much at war as before. Considering that we had gained possession of the fleet by force, he did not think the stipulation of such a term any insult, and he had proposed either to keep the fleet in deposit, or to take it in purchase. When he communicated this fact to the house, he thought it necessary to state why he did not produce the Papers. As all negociations were resumed on the terms upon which they had been last broken off, and though he and his colleagues had thought it right to make such offers in that instance, it would not follow, that they should be disposed to grant the same conditions at a future period. In the hope of some such accommodation his majesty had even been induced to delay directing the condemnation of the Danish shipping, as well as his Declaration of war. He had no hesitation to add, that every stipulation had been required that could be necessary for the security of the Swedish territory. But now that war had taken place, it could not be contended that the capture of the Danish navy, did not, pro tanto, diminish the means of the enemy, whilst it added to our means of security. Buonaparte well knew, that the maritime power of Great Britain was the only impediment to his universal aggrandisement. He would not cease, therefore, to exhaust all the means he possessed to accomplish the grand object of his ambition. The trial he would make, and it was only by making it and its failure, that he was to be convinced of the inefficiency and fruitlessness of all his designs. He would destroy all commerce in order to injure this country, which he identified with it:

> "Cedet et ipse mari vector: nec nautica pinus
> Mutabit merces."—

But though he should direct the whole accumulated force of his vast territories to this purpose, he would find all his projects frustrated, until he could make all nations independent of commerce, in consequence of their own productions:

> "Omnis feret omnia tellus."

By the expedition to Copenhagen, the means of the enemy had been reduced, and the security of the country augmented. Those who thought the policy of that measure weak, and its execution unjust, would certainly vote against him. But he could not consider it a manly way to take the division upon the motion for Papers, and not on the merits of the question, merely because some few would vote for the Papers, who would not support a motion for censure. Conscious of the principles upon which he and his colleagues had acted, and of the advantages resulting to the country therefrom, trusting to the justice and the good sense of the house, for a confirmation of the universal sentiment of the country with regard to the conduct of his majesty's ministers upon the present transaction, he should submit to its decision, and meet the motion with a direct negative.

Mr. *Windham* rose to make some observations on the speech of the right hon. secretary. He was astonished beyond measure at some parts of that speech; even though he did not mean to deny to it in general that sort of merit—the only species it could pretend to—which was necessary to cover a total want of just inference or correct statement. The right hon. secretary had alluded to certain transactions of the late administration. He said, *you* sent a fleet to Portugal to prevent the Portuguese navy from falling into the hands of the French, and *we* sent a fleet to the Sound to prevent the Danish fleet from being appropriated to the same service. The fact was so. But the difference was, that we, having it equally in our power, did not persist in the intention, and that they did. This the right hon. gent. called a failure. A failure with him was, a refusal to do, what, however easy in the execution, you did not consider as right; and an inconsistency was, the blaming others for doing that, which, in precisely similar circumstances, you had refused to do yourselves. *We* had heard of the designs of France on the fleet of Portugal, just as the hon. gent. had of her designs on the fleet of Copenhagen. We had it moreover on the declaration of Buonaparte himself, who was pretty apt to keep his word in these matters. But as we were fully determined not to proceed to an extremity of this sort, but upon the clearest as well as most certain necessity, we confined ourselves, in the first instance, to measures of proper precaution; and, the necessity not appearing, withdrew from the intention altogether.—But would there have been no difference in the measures themselves? Besides that the presumption of danger was greater from a French army at Bayonne than from the French army in Holstein, there was a difference between the two measures that was vital. The right hon. gent. therefore, had no reason to exult in a comparison which made against him, and he might address him in the words of the poet—

"Can nothing but thine own reproach,
"Serve for a motto for thy coach."

The Portuguese fleet was not to have been seized by earl St. Vincent, till Portugal had refused our assistance to defend her territory; till advices should have been received of the actual entrance of a French army into Portugal, and till it should be manifest to all the world, and particularly to the Portuguese themselves, that if we did not take possession of the ships, they would be seized by France. He allowed that the collusion of the neutral state, or the inability to resist apprehended force, was a sufficient reason for securing the means of that neutral from the grasp of the enemy. But the necessity should be evident. Because the necessity was not evident, the late ministers had not acted at Lisbon. The necessity was as little evident when the present ministers acted at Copenhagen. The new system of morality was, it seemed, to be acted upon by his majesty's ministers in every instance, not only in their public acts and papers, but in their statements in that house. The scholars of the old school stated as fact, only what they knew to be true. The present ministers stated, as fact, not only what they knew to be false, but what they knew must be stated and proved to be so in five minutes after their assertion.—The right hon. gent. asked in very big terms, why those who attacked Alexandria and Constantinople opposed the expedition to Copenhagen? But he should ask, who attacked a neutral and unoffending nation? Now, had the right hon. gent. adhered to fact, he would have been deprived of nine-tenths of his argument. The troops that were to go to Egypt from Sicily were to wait for orders from Constantinople, announcing to them the commencement of hostilities, before they made any hostile attack. It might be part of the new morality to make statements of this inconsiderate kind. He might go to the long, animated, and lively speech he had heard, in which the right hon. gentleman had travelled over so much ground without coming to the point, amusing himself in his progress with accusations that were unfounded, and epigrams that were nothing to the purpose; but if the matter were considered, his three hours might be well reduced to a quarter of an hour, and his immense folio to a decimo sexto. But, after all the graces of motion and gesture, and all the extreme labour in the storm, the sort of beating against a head-sea to prove the necessity of his case, unfortunately for him, the right hon. gent's arguments would not tell against the matter of fact. He said, and so might he, that France intended to get the Danish navy; but still the argument was not satisfactory. All he attempted to prove against Denmark was a terror of Buonaparte—that which many great powers had felt, and did yet feel. But he could not say the Crown Prince would have been a willing sacrifice; that he wished to shut his ports, or was disposed to give his fleet to France. The construction to be put on his conduct was the contrary. He did what he could, and was with his army in Holstein; and was there up to the period of our expedition. The right hon. gent. argued this point at some length, and then came to the supposition that he might have submitted to France, though we see no good reason why he might not have defended his independence, and have died in the last dyke, and found Danes to die with him in their country's defence. Well; but if he had submitted? To that he had one general answer: better let Buonaparte take the fleet than we. Even if he had a greater certainty of that matter, he should say so still. Let them go. Had we taken the Portuguese fleet, it would not have been under the same circumstances, and the transaction must have assumed a very different character. But gentlemen opposite could not understand this sort of principle. No wonder; because they seemed to have no feeling for national honour, nor regard for the rights and laws of nations. If the late ministers had taken the fleet at Lisbon, we should have lost no honour. Yet he (Mr. W.), though acting in the cabinet at that time, never acceded to any measure with more doubt and reluctance than he did, even to that, guarded as it was.—He again declared that he would sooner have seen the Danish fleet in Buonaparte's hands than in ours, under all the circumstances in which we had seized upon it. He then entered into the question of right, and contended that we had none, except on a presumption that would justify us in the seizure of any neutral whatsoever. Then, what was the policy? But we must discuss the right, and then go to the policy as a separate ground of argument. The right in this case blended itself with the policy, since in fact necessity was only a superior ground of policy. Now, in this case, there was no right distinct from policy. If collusion could be made out, if it could be proved that Denmark only wore a mask, then a belligerent would be able to manifest and establish a right. But the question stood upon an expediency, amounting, as it certainly must, to a necessity, and we must try that question before a jury of the country. Was it politic to a degree of necessity? The character of this important transaction must stand upon its necessity. What was that necessity, that could justify our government in inflicting upon the Danes such severe calamities—the destruction of a great part of their city—the loss of so many lives of unoffending individuals, of all descriptions—the variety and pressure of miseries? If it did not stand on necessity, how criminal was it to violate the law of nations, and to commit such offences against the whole civilized world? What was it but an attack on the whole code of rules, laws, and usages, by which the civilized world was governed—a code adverse indeed, often, to the interests of powerful and ambitious states, but therefore the more necessary to be maintained with as strict an adherence as possible—the defence and the only defence of the feeble against the powerful (often infringed upon, it was true), but, upon the whole, greatly conducive to the interests and to the happiness of mankind at large. It was peculiarly becoming this country to hold it sacred. Before we proceeded to this desperate step, could we prove our right upon necessity? Think of our reputation. As far as reputation was concerned, and that was a great matter, reputation was all in all, and that depended on what people would think and say of us all over Europe. So great was reputation, that we had better, in a view of policy, do the worst thing in the world, than the best, if appearances would be in our favour: though he was no advocate for such morals. The law of nations existed, however, upon the agreement of common sense, and the approbation of a general wisdom and general feeling. It was a joint stock concern for the benefit of all. Its support was a sort of voluntary contribution from all nations. When a great nation like this acted contrary to it, it acted under the awful, the ten-fold responsibility of acting for its own selfish interests against the feelings and the interests of all mankind. He was convinced that all discerning people must see that at the best we had acted on doubtful grounds: he should rather say on none at all. Ministers had now abandoned the pretext of the secret articles of Tilsit. He was very sorry to go farther, and to say that he could not give that degree of credit to our official and public declarations which he was wont to do, and which he earnestly desired to do. But this he supposed, was the consequence of our new morality. This was a fair sample of the new mode of fighting Buonaparte with his own weapons. Did this tell any thing in our favour for violating a neutral nation? The question of policy involved the right, and on necessity alone the question must rest. Other arguments were used; so low and so mean, but unfortunately so successful as to gain the favour of the small vulgar, and the great vulgar. It was interest. The principle of action was fear: not arising from prudence, fore-thought, and self-possession: not from the notion of him who braves a present danger, to avoid a future and contingent one. When he mentioned the poor fleeting transitory gain, he was sharply told that it was not the actual value of the acquisition; but the probability of its being turned against us for our destruction next season. What! should we be told that we were to give ourselves up to hatred, and dishonour, and reproach, in perpetuity, for the sake of avoiding the comparatively little contingencies of the next summer? These dangers would continue, or be partially lulled, till new dangers ripened and burst upon us. The routine of affairs might seem to go on as before, but not so the policy; not so the character of the country! What shall we think when we find that we have created the hatred of nations for generations to come, who will constantly remember our misdeeds when they behold the monuments of our ravages—when they point at the sad memorials of their destruction—when they see the remains of their public edifices; of that beautiful church, which was the pride of their capital, an awful ruin—when the recollection of our bombardment was rendered perpetual by the melancholy sentiment inspired by the eternity of the tomb? The church might fall, but the ruins would remain, to be viewed by all the inhabitants, and to be exhibited by them as a spectacle to travellers and navigators, for their execration of those who committed the ravage, their scorn of their proffered alliance, and their pity for the unfortunate sufferers! A patriotic Dane might leave his money, not to build, but to keep in repair the ruins we had made—to excite a recollection of the transaction, and the abhorrence of this country for the injury done to Denmark by its government. In this policy he feared we had been playing a losing game. If it was illiberal, low, and degrading, what could be said in its justification? Some might be enamoured of it by the love of plunder, and some might weakly cry out, 'O! give us safety, give us safety, at all events!' The value of our gain would be soon gone; but our loss, he feared, was perpetual: time would teach some of the young members of this house, by her awful lessons, the importance of justice, and the punishments that awaited its violation. He would recommend to them to recollect the lines they had read in their spelling-books, which were homely, but well calculated to shew the value of experience,

"When house and land are gone and spent,
"Then learning is most excellent."

When experience and reflection shall have taught them the bad effects of injustice, they would, perhaps, recollect the gentleman to whom they are indebted for the hard lessons they are to be taught. He was amazed to hear the acclamations with which the declaration had been received, and shocked to hear the loud support given to the right hon. gent. by his friends for the act he had justified and assumed merit to himself for performing. There was, in the estimation of some, a sort of spirit and genius in going out of the usual track, and in breaking through all those rules which were established and recognized, because they were materially useful to the world. He recollected a sentiment in the letters of Junius that was somewhat applicable: 'Good faith and folly had been so long in opposition, that the reverse was now in fashion; and the man without principle was considered as a man of ability.' There was no victory so easy, as a victory over morality. It was open to every invader. It made little or no resistance. Obligations and restrictions were as easy to oppose as air to those who were resolved to encounter them. But he feared the power of their re-action upon the long run. Generally, the authors might escape, nobody knew how, or perhaps enquired where: but the country might be lost. What they called a noble sally of adventurous minds might cost others tears of blood. Such systems he detested. He never could endure that shocking, disgraceful, Spanish war, with all its plunder: the ships were known to be at sea richly laden, and we attacked them for the plunder. He would grant that we had got an abundance of dollars; but the consequences might come years afterwards; and the misfortune was, that people did not always trace them back to their true causes. How did we know that the present degraded state of Spain was not owing to that piratical transaction? The right hon. secretary vapoured and bragged of what he had done, and some others had been found to add their boastings. They talked flippantly about former losses—battles of Jena and Friedland; and mentioned recent exploits, such as that of Copenhagen! This was all very pretty; but we were suffering the shame. He had, indeed, hoped, that the character of this country would have been maintained for strict adherence to justice, and that it might be always said with truth—

"Semper honos nomenque tuum laudesque
manebant."

Though the name may remain to us, and great power too, yet we may have lost our reputation, our honour, and our glory. These may be gone; and we may become by such councils 'a reproach and a bye-word to the nations.' Buonaparte might say to the nations of Europe, "I have been loudly and incessantly accused. But who did this? It is England, the preacher up of public law, and public morals and social order?" See what morality has done! Foreign nations might answer, "Is that indeed England, who valued herself upon her character? Why, "old Cato is as great a rogue as you."" He wanted to hear from some of the learned doctors and sages of the law on the other side of the house—our wise men who had studied long and deeply, and had preached, expounded, and enforced the general duties of law and public morals;—he wanted to hear from them, whether all that had been hitherto received and acknowledged was to be considered as foolishness. He should like to know what they thought of the new doctrines of their associates. Were they prepared, like Prospero in the play, to break their wands, to throw off their wigs and gowns, and to bury their books? or were they prepared to follow the example of the lady, so much talked of a few years ago, who threw away her camphor bag, and exclaimed, "Adieu, virtue! welcome pleasure!" He wanted to hear them deliver their opinions in this house on a subject of such great and paramount importance.—The right hon. gent. then proceeded in his argument to shew that no honourable acquittal could be given to ministers for the seizure of the Danish fleet, without fuller information, and that it was not a want of information, but something worse, that he chiefly complained of. He condemned severely the conduct of the right hon. secr. of state in withholding that sort of information which the house ought to have, and which was absolutely necessary. He never knew the house so contumaciously treated. Ministers put criminal intentions into their bill, but they could not and would not stand to that charge, neither could they charge collusion. He again condemned the expedition to Copenhagen, as a war of plunder, and declared, that the only way left for him, in his individual capacity to act, towards wiping out the stain inflicted on the country, was to avow publicly his sincere and pointed condemnation, and to express his heartfelt regret, at the measure that night under consideration.

Mr. *Milnes* said, that after the discussion which took place on the subject on a former occasion, he had waited with some degree of curiosity to hear what line of argument would be adopted by the hon. gentlemen opposite on the present evening. He was not a little mortified, however, to find that they had advanced scarcely any thing new; that they were still attempting to assert the interests of every country in preference to those of England, and to give credit to the assurances of Buonaparte, while they omitted no opportunity of calling in question the Declarations of their own sovereign, or his ministers. There were, to be sure, some novel points; the right hon. gent. who brought forward the motion, had maintained that Denmark alone was able to resist the whole force of that power which had, with very few exceptions, laid every nation in Europe prostrate at its feet. One right hon. gentleman had reproached ministers for their shabby policy in not farther extending the calamities of war: and the right hon. gent. who spoke last, had told the house that he would rather have seen the Danish fleet in the hands of Buonaparte than moored in an English port. These were a few of the novelties with which the house were to be compensated for the other stale topics that the hon. gentlemen had urged in the course of their speeches. They had not, however, produced the effect of altering his opinion in the smallest degree. Much had been said upon the abstract principles of right and wrong; but those principles, it ought to be considered, were eternal and immutable, nor could any information render an act just which was essentially unjust. It had been contended, that the measure now before the house, was wrong upon the face of it. But he would ask, if there was not something wrong on the face of a motion which required a disclosure of information confidentially communicated? He was as great an advocate for the correct political morality of this country as any man; but if a thing was wrong in itself, no disclosure could make it right, however injurious that disclosure might be to the public service. The approbationof the hon. gentlemen would, at all events, be extremely difficult to be obtained; and certainly the risk of doing injury to the public interests should not be hazarded, in order to procure so precarious a benefit. Unanimity, however desirable, would be dearly purchased by public mischief. The present ministers had exalted themselves and the country; the late ministers had sunk themselves and the country. Was this a reason why the present ministers should be deprived of the confidence of parliament? He maintained, that no law of nature could be violated by the measures taken by us to ensure our own safety. It was the most flagitious of all descriptions of morality, that would allow the opportunity of self-preservation to pass by unimproved. He could not countenance the feelings that would spare Denmark to the destruction of Britain. He advised the hon. gentlemen, instead of bringing forward motions of this description, at once to propose a resolution that ministers had lost the confidence of parliament. In this opinion, he believed, they would find but a small proportion, either in the house or out of the house, to join them. They might, indeed, on the present question, find a few adherents from amongst some gentlemen who were generally supposed to think for themselves, or to have entrusted their opinions to a certain viscount, no longer a member of that house. [Here the hon. member was called to order.] But he had the satisfaction of thinking, that there would be a great majority against them, equally independent with those to whom he had now alluded.

Mr. *Bathurst* reminded the hon. gent. who had just sat down, that it would have been more regular in him to have waited till the members, to whom he had just alluded, had stated their sentiments upon the present question, and given him an opportunity of replying to what they advanced. Upon the speech of the right hon. secretary he had to observe, that he had endeavoured to draw the attention of the house from the question now before them, and to bring them back to one on which they had already come to a decision. The house, in its address to the king, had concurred in congratulating his majesty upon the success of the expedition, and this concurrence was obtained in an irregular way, and, as it were, by surprise. The question now before the house was altogether different, nor was he to be led away from it by all the arts of the right hon. secretary. Was it a light matter, that, after it had been stated in a Declaration given in the name of the king, that the secret arrangements at Tilsit had given rise to the attack upon Denmark, and that it was by sacking the port and arsenal of Copenhagen, that government had prevented the Danish fleet from falling into the power of Buonaparte, that no proofs should be given of the truth of these allegations? He contended, that if parliament failed to institute an enquiry into such circumstances, it would be wanting in its duty. It was pleaded, that it would be dangerous to disclose the proofs; but let not this argument of danger be pleaded generally; let ministers tell us why this or that specific paper cannot be granted. It was not necessary in granting any paper, that they should acquaint the house how they came by it. Parliament, he asserted, never had been placed in such a situation before. We were now at war with Denmark, and no communication had yet been made to that house of the grounds upon which his majesty had gone to war. The right hon. secretary would not surely plead, that it would be attended with greater danger, regularly to lay the documents before the house, than to stand up and read them in his place as he had done to night; and there was not a doubt that it was much more parliamentary that the house should be put in possession of the Papers themselves. If he was convinced that ministers had acted upon proper grounds, he should be the first to give them credit for what they had done; but he did not think it fair to entrap the country into an approbation of their measures by flattering its cupidity. The language of ministers was, that they had atchieved a splendid enterprize, and therefore that every thing was right. He did not think that there could be the least objection to the production of any of the documents that had been moved for; and in his opinion the letters, extracts from which had been read, ought to be added to the number. The letter of Mr. Garlicke, for instance, stating the hostile mind of Denmark, was very important. It was important also for the house to know, upon what the opinion of that gentleman was founded, that, if the French were once in possession of Holstein, the island of Zealand must necessarily fall into their power; for a single transport with a few Danish troops escaping the vigilance of our cruisers, and passing from Jutland to Zealand, was no more an argument that a French army could pass, than a French privateer crossing unobserved from Boulogne to Dover, would be sufficient evidence to shew the practicability of an invasion of this country. The expedition to the Island of Madeira some years ago, had been cited as a case similar to the present, but he utterly denied that there was the smallest analogy between them. Portugal, said the right hon. secretary, was not then your enemy, but your ally, and if you could attack your ally, surely we might attack a power which we had every reason to suspect of entertaining hostile intentions against us. But the right hon. secretary seemed not to know, or at least to forget, that the expedition alluded to, was sent, not to attack, but to protect an ally at a time when there were British troops in Portugal, to repel an actual invasion of French and Spanish troops. He could not help remarking however, that it was not a little singular, that ministers, while they withheld all information respecting the late expedition, had not the smallest scruple in disclosing all the secrets of government for the last seven years.

Mr. *John Leslie Foster* differed from those gentlemen who seemed inclined to confine the question to the narrow grounds of any private information which ministers might have obtained, respecting the views of Denmark. Much stress had been laid by the gentlemen opposite, on the circumstance of ministers not having complied with the wish expressed for the production of the whole of the information which led them to undertake the late expedition against Copenhagen; but whatever might be the opinion of certain gentlemen as to the propriety of having more documents before the house on this subject, he certainly thought enough was known to justify the conduct of ministers. From the relative situation of France and Denmark, it must be evident to any person who looked at the question without prejudice, that Denmark could not resist the power and influence of Buonaparte, even if she were seriously disposed to preserve her neutrality; but he did not admit that Denmark was at the time firm in her resolution to oppose France, rather than depart from the line of policy which she had observed. Her disposition to hostility was manifested, according to his information, more than once or twice against us. In the very streets of Copenhagen, a short time before our attack, an Englishman could not walk without the risk of being insulted, and told, that the policy of England had always been to shed the blood of others, in furtherance of her own interest exclusively. Combining this evidence of the public mind, obviously under French influence, with the conduct of Russia, what doubt could be entertained of an intention to form a hostile confederacy against the naval power and the independence of this country? Under such circumstances, and in the present degraded state of Europe, who that felt for the welfare and glory of the empire, but must acknowledge that ministers ought to have been impeached if they had suffered the enemy to plan and mature an hostile combination, which they had the means of dissipating. Surely it ill became those whose supineness had proved nearly ruinous to us; who had done nothing for the common cause, except sending a miserable subsidy to Prussia;—it ill became such men to be the accusers of the present administration. It ill became those, who, by their spiritless inactivity, had given rise to the fatal necessity, to carp at a measure, which was absolutely necessary to repair the mischiefs resulting from their misconduct. How could the house reconcile the conduct of those champions of morality and justice, and their professions of respect for the law of nations, with their attack on Alexandria? But they could not bear the contrast, and therefore they naturally attempted to question and vilify the brilliancy of an achievement which reflected disgrace on their own feeble expeditions. It had been stated in the course of the debate, that both expeditions had been undertaken on the same ground; but if so, which he did not admit, certainly there was a wide difference as to the result, and therefore the present ministers gained by the comparison. On the whole, he was firmly of opinion, that administration was entitled to the support and gratitude of the country.

Lord *Palmerston* said, that after the very brilliant and unanswered speech of the right hon. the secretary of state, and the insufficiency of the reply from the other side, it would not be necessary for him to trouble the house at any great length on the subject then under discussion. He should set out with stating, that he conceived it improper to disclose the information which ministers had received on the subject, because their honour was pledged to preserve secrecy. In another point of view also, he conceived it improper to make the disclosure required, because it would, in all probability, destroy the future sources of information. But he asked gentlemen on the other side, what necessity existed for producing such documents and information as had been called for on that and on former nights? It might, perhaps, be necessary to exhibit them, if there was no other ground for justifying the attack on Denmark; but unquestionably, the present situation of Europe and the degradation or vassalage of its sovereigns, offered, most unfortunately, too ready and solid a reason for the adoption of such a measure. Much had been said by a right hon. gent. (Mr. Windham) on the law of nations, on right and policy; he was as ready and willing as any man to pay his tribute of respect to them, and to recommend their application whenever circumstances would permit it; he was afraid, however, that although much talked of, they were little understood; the consequence of which was, that many persons abused the terms, and took one for the other. In the present instance, he was glad to observe, that we did not suspend them without necessity, or, in other words, that we used them in conformity to the law of nature, which dictated and commanded self preservation. This was precisely a case in point; for, as was conceded by the right hon. mover, if Denmark had shewn or given any proof of hostility, directly or indirectly, against this country, then ministers would be justified in inflicting on her the heaviest punishment;

but surely, if the house just considered that Denmark was weak and France powerful, and in possession of the means of forcing her into a confederacy against us, under such circumstances could a shadow of doubt remain as to the object of the enemy being accomplished? When the conduct of France to other powers was considered, and the incapacity of Denmark to resist her, our success must be matter of exultation to every one who regarded the blessings of a free constitution. Did gentlemen on the other side of the house mean to say, that Buonaparte would, in the instance of Denmark, be restrained by a sense of justice and morality from perpetrating against her those aggressions and spoliations which had marked his character on the continent? Was it at the very time that his triumphant legions were returning to France, that Denmark was to hope for an exemption from the calamities of war, if she refused to comply with the hostile intentions of Buonaparte; or could it be thought that such a season was the most unfit for carrying his rancorous designs into effect against us? But gentlemen would say, that as there was no official proof of such hostility on the table, therefore the assumption was too bold. Without, however, entering into the question of positive information, he would ask, whether it was not evidence against the Crown Prince, that he did not attach himself to England, as he could not maintain his neutrality? He must be aware that the power of France would be exerted, if necessary, to compel him to enter into a confederacy against us, and yet he would not listen to any overture from this country for his security and protection. On this ground, therefore, namely, the weakness of Denmark, and the power of France to force her to become instrumental against Great Britain, he should give his vote and support to ministers on the present question.

Mr. *Morris* felt great pain in differing from gentlemen, with whom he was in the habit of voting and acting; but he could not refrain from declaring his conviction of the propriety of the conduct which ministers had pursued with respect to Denmark. He looked not for any justification of the measure, but the weakness of Denmark and the determination of France to force her out of her neutrality. If he were asked, what evidence existed of such being the intention of the French government, he should reply, by referring to the conduct of Buonaparte towards all other countries. In tracing him he could discover nothing but the violation of the neutrality of all nations, and a system of oppression and plunder. The manifest interest of France in engaging Denmark against us, left no room to doubt that she would exert all her power to effect her purpose; and for his part, he had no doubt of her proving successful, had not our expedition taken from the Danes the instruments with which he had resolved to strike the blow so long meditated. France never missed an opportunity of confederating against this country, whenever an opportunity offered of pushing her views either by force or influence. He could not, then, bring himself to believe, that France would forego the advantage of having the Danish marine to act against us. Under such circumstances, the house must feel that a paramount necessity existed to induce us to attack Denmark, which must inevitably have been leagued to extinguish our liberty and independence.

Mr. *Lyttleton* regretted extremely the necessity he was under of withdrawing his support from those with whom he was generally in the habit of voting; but in obedience to his feelings, and the dictates of his conscience, he was compelled to acknowledge, that, in his opinion, there was enough before the house to justify the conduct of ministers in the attack on Copenhagen. He concurred with the preceding speakers, that the weakness of Denmark, and the great power of France, must remove all doubt respecting the speedy submission and co-operation of the former against us. Hard, however, as the measure was, and greatly as he lamented it, yet he deemed it one of precaution and necessity, which he should vote for.

Mr. *Whitbread* was sorry to differ from his hon. friends who had just sat down, as he certainly saw as little reason to vote with ministers on any other grounds as on those which they themselves had brought forward; particularly as those grounds consisted in garbled extracts of letters, which were neither fair to the writers nor the public. He wished to recal the attention of the house to the real subject of debate, which was not whether ministers were right or wrong in sending the expedition against Copenhagen, but whether they ought to produce letters, which they pretended they possessed, but which he did not believe ever existed. He would not give credit to such extracts produced by a secretary of state, or regard them as authentic documents. Not that he accused them of forgery; but by the mode of giving a passage here and there, and one letter in three, the text might be as different from the context as light from darkness. With all the art of speaking, which he did not mean to deny to the right hon. secretary, and with which he had, in an able manner, managed the cause entrusted to him, and all the art with which he had used the papers unhappily entrusted to him, he had not made out the case of the necessity of an attack on Denmark, or that a single plank had been added to our security. He denied the position with which the right hon. secretary had set out, namely, that the people of England entertained but one opinion on the subject of this expedition, till an indication of its being wrong was broached in parliament; but, if it were so, it was now full time they should be awakened from their delusion, and shewn that they had gained absolutely nothing by the shameful compromise of national honour. He really wished to know on what ground ministers were to be met; they shifted so there was no following them. They had fled from what they stated in the king's speech and declaration, and told us now, 'do not talk to us of the treaty of Tilsit; we knew the hostile mind of Denmark long before that.' He would shew that Denmark wished to preserve the strictest neutrality, and recommended to the house, if they wished to investigate the matter fully, to let Mr. Garlicke be called to the bar of the house, and say what he knew of the disposition of the Danish court. He surely was in no danger of being seized by Buonaparte. Let the whole of lord Hutchinson's letters be laid before the house. Let lord Granville Leveson Gower state what he knew of the disposition of Russia. It would be easy to prove that the words put into the sacred mouth of his majesty, were not only morally, but physically impossible; for he was made to say, that the treaty of Tilsit was the cause, and that there was none anterior. [No! No! from ministers.] He would not argue with the learned chancellor of the exchequer on words. Did he mean to apply to this case his technical terms and special pleading? Did he mean to address the house as a lawyer, or as a statesman, in which character he now appeared? Could he shew that his participation in this business became the Christian defender of the Church: He doubted it much.—The hon. gent. then contended, that there could be no occasion for concealment, as France made every thing public, and that the expedition was not conceived prior to the battle of Friedland, from the circumstance of its having been acknowledged that part of that expedition was previously fitted out for another destination. He observed, that the armistice between France and Russia was only ratified on the 24th of June, and the two emperors met for the first time on the Niemen, on the 25th. On the 7th of July the treaty was signed. How was it possible, then, that the king's pleasure, as it is technically called, could have been taken on the expedition to Copenhagen on the 19th of July? Certainly, this could not have been done in consequence of any knowledge ministers could have had of the conferences at Tilsit. A noble lord, indeed, was represented to have stated in another place, that information had been received through Portugal and Ireland, of the designs of the enemy, and this information, too, was received in time to take the king's pleasure on the 19th of July! Surely, when the noble lord said this, he entertained a sovereign contempt of time, space, and geography of every kind. A heavy charge had been made by Russia against this country, for not affording her any co-operation during the campaign in Poland. Now, was there any foundation for the reproaches of baron Budburg? Every body knew that a force of 10 or 20,000 men, exposed as they must be to certain destruction, could never have averted the fatal battle of Friedland. But, if ministers were in possession of the secret articles in the Treaty of Tilsit, why did they not produce them? It had been said, that a hostile mind existed in Russia against this country. The hon. gent. asked ministers whether it was known to them that Russia was hostile to this country previous to the attack on Copenhagen? [Mr. Canning answered across the table, "Yes."] I am not, replied Mr. Whitbread, disposed to doubt that the right hon. gent. thinks what he says is true: but let that be proved. Frequent mention had been made of the inveterate hostility of France: but what else could be expected from France except hostility? The endeavour on the part of France to combine all the powers of Europe against us was no more unjustifiable, than the attempt of this country to form combinations against

France. It was, however, evident, that Russia was hostile to this country after the attack on Copenhagen; and, on that account, he contended it was a meanness in this country to ask a power so hostile to us to interfere for the purpose of making up the quarrel between us and Denmark. He was ready to admit the right hon. gent. had that night advanced strong reasons why an attack should not be made on Cronstadt. With respect to the value of the Danish ships, it was stated, in some accounts, that they were very good ships, because they stood the weather so well in coming home. But it appeared, from admiral Gambier's account, it was necessary to repair some of them before they were put to sea. From the regularity and preparation in the Danish navy, an inference was drawn, that they were intended to be made use of against us. But it must appear, to any person who ever visited Copenhagen, that, for fifty years past, it had been the practice of the Danes, a practice in which they prided themselves, to have their ships laid up in ordinary, in so complete a state of repair, that they could be fitted out in a very short time. But when we took the ships, we took the least efficient part of the Danish navy. We left behind 18,000 seamen, who would be ready to enter into the service of France; and France had ships enough for herself. The English had acted like shabby thieves. They took only one half of their booty. Why was not the French property at Copenhagen seized also? The only effect of the expedition was to arm the people of Denmark against us, and to shut us out from the Baltic; while Holland was entirely under the power of France, without the latter being at the expence of sending troops to conquer it. If the act in question was justified by necessity, he was ready to admit that it was justified in morality and in the sight of God. But it could not be justified. Ministers wanted to imitate the energy of France. But how did they do that? France had slain a giant, and then England must go and embrue her hands in the blood of an infant. The question now was, not whether the expedition was justifiable, but whether that house was bound to give credit to the assertions of his majesty's ministers, and whether it ought not to require further information?

Lord *G. L. Gower,* as he had been so particularly alluded to, felt himself called on to say a few words in explanation to the house. He begged leave totally to differ from those hon. members who had asserted, that the hostile spirit of Russia arose in consequence of the attack on Copenhagen, but said, that it was a consequence of the pressure of the French, after the defeat at Friedland; for if his Imperial majesty could be obliged by that defeat to abandon Prussia, which, four days before, he had pledged himself never to do, it was hardly to be expected he would continue very friendly to the interests of England. In six hours after his imperial majesty's return to Petersburgh, the very first person to whom he gave audience was his Minister of Marine: the very first place he visited, was Cronstadt, and the first directions he gave, were for the equipment of the fleet, and the repair of the fortifications in that place, and this some time before the attack on Copenhagen took place. The noble lord remarked, that many persons in this country seemed to be of opinion that the expedition to Copenhagen was generally execrated on the continent. He could assure them, however, in so far as his experience went, that the contrary was the case, particularly in Russia. A great majority of the persons of consequence in that country rejoiced at the event which took place at Copenhagen, and those consisted not merely of what was called the English party, but others, who thought that Russia ought not to have entered into a war with France, and seemed to wish to insulate their country from the rest of Europe. These persons saw with alarm a French army in Poland, and another on the frontiers of Turkey, and they were happy at the check which the expedition to the Baltic gave to the views of Buonaparte, for they dreaded his hostility through Denmark. The noble lord also pointed out the inconvenience arising from the publication of what passed between his majesty's ministers and the governments of other countries. Foreign ministers had frequently expressed an unwillingness to communicate freely with him, because they did not know but that what they stated might, perhaps, in the course of a year, be made public.

Lord *Castlereagh* contended, that ministers were not bound to lay before parliament all the information on which his majesty's Declaration had been founded. The hon. gent. had dwelt much upon the circumstance of his majesty's pleasure being taken on the expedition to Copenhagen on the 19th of July. The fact, however, was, that what passed on that day related only to sending a force to the Baltic, in order to ascertain the disposition of Denmark; the final instructions to attack were sent out afterwards. The hon. gent. admitted that France had the disposition to seize the Danish navy, and the only question was the disposition of Denmark, which must be judged of from circumstances. The Court of Portugal had given repeated information, that the demand of France was, that the Portuguese navy should be joined to the other navies of the continent by the 1st of September. Besides this fact, he wished to call the attention of the house to what had passed at one of Buonaparte's levees: in one of those extraordinary conversations in which that person was accustomed to indulge himself with foreign ambassadors, he addressed himself to the Portuguese minister, and asked him, whether he had transmitted to his court the demand that the navy of Portugal should be ready to unite with the other navies of Europe against England on the 1st of September. Having said this, he immediately turned round to the Danish minister, and asked him whether he had made the same communication to his court.—The noble lord, in answer to the charge that ministers had not gone far enough, observed, that after it was found that Denmark could not be brought to any amicable arrangement, the practicability of holding Zealand as a military station was taken into consideration. But the reports of the officers, who had been desired to direct their attention to this subject, proved that the force necessary for the defence of that island was far greater than this country could spare in the state of military poverty in which the former administration had left us. It was also thought that it would have been improper to advise his Swedish majesty to furnish for this purpose a detachment from his army, to make up the deficiency of ours, as the removal of that force would have weakened Sweden too much, in the event of an attack from Russia. It was also proved from the report of admiral Keats, on the probability of the enemy transporting a force from Holstein to Zealand, that it would be impossible to keep up a blockade in the winter months sufficiently close to prevent that communication. The noble lord then proceeded to shew that the designs of the late administration against Portugal were of a nature perfectly similar to the Copenhagen expedition, and had infinitely less of the plea of necessity to justify them.

Mr. *T. Grenville* complained of the constant practice of introducing, collaterally, charges against the late administration. He thought, after what had passed the other day, that this practice would have been refrained from. The attack upon Turkey, in a period of peace, had been alluded to, though the secretary of state must have known that the orders given by the last administration were precisely the contrary of attacking the Porte during peace. On this subject, and on the Lisbon expedition, which had been also alluded to, there was nothing which the late administration so much desired as investigation.

Mr. *S. R. Lushington* took a view of the whole of the transactions relative to Russia and Denmark, and then proceeded thus:—In applying, sir, the laws of nations to the conduct of G. Britain towards Denmark, the gentlemen on the opposite side of the house seem desirous of establishing a code of their own, separate from that law of nature, which, according to the best writers, is the very foundation of all the laws of nations. Their sentimental system would embrace all nations but their own. These ingenious disquisitions may be well calculated for the amusement of the schools, but they are not fitted for the events of real life, or a state of ferocious war. Sir, the first law of nature, the foundation of the law of nations, is the preservation of man. It is on the knowledge of his nature, that the science of his duty must be founded. When the feelings point out to him a mighty danger, and his reason suggests the means of avoiding it, he must despise the sophistical trifler, who tells him it is a moral duty he owes to others to wait till the danger break upon his foolish head, lest he should hurt the meditated instrument of his destruction. Upon this general principle of the law of nature and of nations, I maintain the morality, and certainly the necessity of the Expedition against Copenhagen. In applying this general principle to the state of Denmark, we shall find that it derives particular force from her past conduct. It may suit the purpose the Moniteur to represent Denmark as enjoying a moral dignity in the circle of nations, and to insist that G. Britain had a sufficient guarantee in the sincere neutrality of Denmark, and in the cordiality of her attachment to England. I would ask, sir, whether it was a proof of the moral dignity of Denmark to attack the neutral state of Hamburgh, or of her neutrality to shut that port against the commerce of Great Britain, or a token of her attachment to us to originate and support a confederacy, having for its avowed object, the destruction of that maritime law which we conceive indispensable to our existence as an independent nation? All these circumstances, and those stated with such unanswerable truth, and matchless eloquence, by the right hon. the secretary for foreign affairs, justified his majesty's ministers in expecting similar demonstrations of the will and the power of Denmark, whenever the mandate and the alliance of France should promise her protection in them. I rejoice, sir, in the wisdom of those councils which has anticipated and has averted this danger. But I am astonished that any man in this house, or in any other, should doubt the reality of that danger, when he recollects, that in confirmation of all the other evidence I have stated, the Prince of Portugal has been driven from his dominions, because he would not join in that confederacy with France, Russia, and Denmark. With this impression, sir, of the conduct of ministers, I am thankful to them for the great service they have rendered to the state, and they may be assured that this feeling is general throughout the country. Let them proceed in the course they have already pursued, let them face unappalled the unnatural combination which is gathered around us, relying that the spirit of the people of Eng- will keep pace with the energy of the government.

Sir *C. Price* regarded the Copenhagen expedition not only as just and necessary, but as wisely planned, and gloriously executed.

Mr. *Davies Giddy* was sorry the information on which ministers had acted could not be laid before the house. However, as that was the case, he thought himself bound to acquiesce in the concealment which the government thought necessary.

Mr. *Ponsonby* rose to reply. He remarked, that all he had asked for was information, and that all the answer he got to that request, was details respecting expeditions to Alexandria, the Dardanelles, and Lisbon, in order to prove some supposed misconduct in a former administration. The right hon. secretary had read extracts to prove the hostility of Denmark, but to this he objected, on the wholesome principle, sanctioned by courts of justice, which was, that when you propose to read a document in your defence, you must read the whole of it, for if you were permitted to read extracts only, it was probable that you would read nothing but what was favourable to yourself, and that you would omit all that was against you.—He complained that the right hon. secretary had accused him of justifying Buonaparte. All the compliment he paid to France was to compare her conduct with that of the servants of the crown in this expedition. While the right hon. secretary talked so much of the morality of others, he ought to take care of his own. He had said that his majesty was disposed to wait for the operation of the thinking part of the Russian community, rather than, in the first instance, to resort to measures which might have a result more disagreeable to that monarch. This looked like intimating, that he was, from his discontented subjects, to meet the fate of his father. [a cry of no! no!] If such were not the meaning of the right hon. secretary, he hoped that more care would in future be taken in the words employed.

Mr. Secretary *Canning* said, he was misinterpreted, and disdained the implication assigned to him.

At half past five (on Thursday morning) the house divided, when the numbers were,

For Mr. Ponsonby's Motion - 108
Against it - - - - - - - 253
Majority - - - ——145

List of the Minority.

Abercromby, hon. J.
Adam, W.
Agar, E. A.
Althorpe, viscount
Antonie, W. L.
Anson, G.
Bathurst, C.
Brand, T.
Bradshaw, C.
Bruce, P. C.
Burdett, sir F.
Byng, G.
Calcraft, sir G.
Calcraft, J.
Campbell, lord J.
Cavendish, lord G.
Campbell, J.
Cavendish, W.
Cavendish, G.
Colbourne, Sedley
Combe, H. C.
Creevy, T.
Cuthbert, J. R.
Dundas, W.
Dundas, C.
Dundas, —
Ebrington, lord
Eden, W.
Elliot, W.
Estcourt, T.
Ferguson, general
Fitzgerald, lord H.
Fitzpatrick, R.
Frankland, W.
Grattan, H.
Grenville, T.
Greenhill, Robert
Grenfell, Pascoe
Halsey, J.
Hamilton, lord A.
Herbert, H. A.
Hibbert, G.
Horner, F.
Howard, H.
Howard, W.
Hunt, Robert

Jekyll, Joseph
Knapp, Geo.
Knox, Tho.
Laing, Malcolm
Lambe, W.
Lambton, Ralph
Lawrence, French
Leach, John
Lefevre, C. Shaw
Lloyd, J. M.
Macdonald, James
Maddocks, W. A.
Mahon, viscount
Markham, admiral
Martin, Henry
Mathew, M.
Mule, Wm.
Milbank, sir Ralph
Miller, sir Tho.
Milton, viscount
Moore, Peter
Morpeth, Viscount
Moseley, sir O.
Mostyn, sir Thomas
Neville, P.
Newport, sir John
North, Dudley
Ord, William
Ossulston, lord
Parnell, Henry
Peirse, Henry
Pelham, C. A.
Petty, lord H.
Piggott, sir A.
Poole, sir C. M.
Pollington, visc.
Ponsonby, G.
Ponsonby, H. G.
Prittie, F. A.
Pym, Francis
Romilly, sir S.
Russell, lord W.
Scudamore, R. P.
Sharp, Richard
Shelley, Timothy
Sheridan, R. B.
Smith, John
Smith, W.
Stanley, lord
Taylor, M. A.
Temple, earl
Templeton, vis.
Thompson, Thomas
Thornton, Henry
Tierney, G.
Vernor, G. G. V.
Walpole, G.
Ward, J. W.
Western, C. C.
Wharton, John
Whitbread, Sam.
Wilder, Fr. John
Williams, Owen
Windham, W.

HOUSE OF LORDS.

Thursday, February 4.

[Dispute with America.] Lord *Grenville* said, he had a paper to move for, which might tend to enlighten and guide the conduct and the discussions of that house, on that most important topic, our relations with America. It was with much anxiety and regret, he continued to look back at those expressions in his majesty's speech, where it was stated, that the president of the United States had refused to ratify the Treaty which had been sent out from this country to America. He was inclined to believe there was some inaccuracy in these expressions, which might lead to mischievous misconceptions. Their lordships were well aware, that the president of the United States could not, of his own authority, refuse to ratify a treaty of that kind; and that such a refusal must previously have the sanction of the Senate, &c. The principal paper he should now have the honour of moving for would be, the Message of the President of the 28th of Oct. last to the Houses of Congress. It was not in his power to contemplate the issue of our present discussions with America without uneasiness and apprehension. Much had been said of the comparative distress which either country must experience from a rupture; some contending that America would suffer most; others, that England would be the greater loser. He should not attempt to appreciate the comparative evils of either as resulting from a state of hostility; but he laboured under the melancholy conviction that the consequences of hostility would be extremely detrimental to both; and the reflection that the one must suffer a great deal, by no means mitigated, in his mind, the hardships with which, from the same cause, the other must be afflicted. Much, however, as he was disposed to deprecate a war with America, he should never think of averting that evil by the surrender of any of the just rights of England, more especially of her maritime rights, to which she owed almost every thing. Sooner would he consent to perish in a struggle for their assertion and conservation, than think of surrendering them in order to prevent that struggle. Much better was it to fall in the endeavour to maintain them, than tamely and deliberately to surrender that, from which sprung our proudest glory, from which chiefly flowed our strength and prosperity. He should still, notwithstanding, cherish the idea that the good sense and moderation of the two countries would obviate the necessity of an appeal to arms, and that their mutual interests would point out a safer and wiser conduct to pursue. Such were his feelings respecting the relative situation of the two countries. We had already all Europe against us: we should not be too eager to add America to the long and formidable catalogue of our enemies. The noble lord concluded with moving, That an humble Address be presented to his majesty, praying, that he would be graciously pleased to give directions that there be laid before the house a copy of the Message of the President of the United States of America of the 28th of Oct. last, to the Houses of Congress.

Lord *Hawkesbury* said, he would not be led into any discussion of the points now at issue between the two governments, by any observations in which it had pleased the noble baron to indulge. He was as sensible as that noble lord could be, of the great importance of continuing on a footing of friendship with America; but, highly as he valued the continuance of those relations of amity and good understanding, he could never think of purchasing it by the surrender of any of our rights, much less of any of our maritime rights, upon which our very existence might be said to depend. At the same time, however, that he insisted on that resolution, he did not hesitate to say, that every thing would be done on the part of his majesty's government to manifest a disposition to peace and moderation; in a word, every thing that could tend, short of the sacrifices he had already alluded to, to maintain uninterrupted a good understanding with the United States of America. He had no objection to the production of the paper moved for by the noble baron.—The question was then put, and agreed to.

Lord *Auckland* next rose, to move that there be laid before the house a copy of the Declaration delivered to the American Plenipotentiaries by the Plenipotentiaries of his majesty, in the month of Dec. 1806. When that document was before the house, an opportunity would arise of justifying the Orders in Council issued by his majesty's late government, and which his majesty had been advised to represent as inadequate to their purpose in the speech with which, in his majesty's name, the commissioners had opened the present session of parliament. He concluded with moving for the production of that document.

Lord *Hawkesbury* did not see the necessity of producing this paper. It was already before the world, and every advantage might be derived from it in argument which the noble lord could wish for. His objection to the production of it was chiefly an objection of form; for he was at a loss to see with what propriety a paper so intimately connected with the Treaty itself could be produced, while it was not thought proper or necessary to produce the Treaty itself.

Lord *Holland* was surprized to see the noble secretary stop short so suddenly in his career of concession; and his surprize was still greater at the reasons assigned for it. The noble secretary refused to produce the instrument moved for by his noble friend; and why? because it had had a close connection with the Treaty, which it was not thought proper at present to produce. Yet, but a moment ago, he made no objection to the production of a paper moved for by another noble friend of his; which paper, however, had a much closer connection with the Treaty than that to which he now objected. However public the paper might be, it was for the dignity of that house, and for the convenience of discussion, to have it laid on their lordship's table by an order of their own.—The question was then put and negatived.

HOUSE OF COMMONS.

Friday, February 5.

[Expedition to Copenhagen.] Mr. *Whitbread* wished to know from the right hon. secretary for foreign affairs, whether he had any objection to lay before the house copies of the Letters from which he had read extracts in a late debate. He was desirous to know particularly whether there was any objection to the production of the Letter from lord Howick to Mr. Garlicke, and the letter from Mr. Rist, on the subject of the Orders in Council, with lord Howick's answer. It was due in fairness to that noble lord, as this last had been much dwelt upon, to place it before the house in a full and unreserved form.

Mr. Secretary *Canning* wished the hon. gent. either to make a motion, or give notice of one; he should then know what answer to give. It was usual either to make a communication on these subjects in private conversation, or to give a previous notice publicly.—Mr. W. then gave notice for Monday; he did not want any private conversation.

[Orders in Council.] The *Chancellor of the Exchequer* moved, that the house do resolve itself into a committee of ways and means, and that the Orders in Council, presented to the house on the 26th of Jan. (see p. 126.) be referred to the said committee.

Lord *Henry Petty* had hoped, that before this motion should be brought forward, some explanatory papers would have been produced, and some explanatory statements made, to remove the doubts which existed as to the legality of the Orders themselves. Certainly, if there were doubts as to the legality, those doubts ought to be removed, before the sanction of parliament was asked for the Orders. His arguments in the present stage, would be directed solely to the legality; for the policy of the Orders could be more conveniently canvassed in the committee. He certainly felt great difficulty in entering into an argument on this head. Unlearned as he was in the law, like the majority of the members of that house, he was perhaps unfit to form an opinion on the strict legal right. But since the majority of the house must be made to feel and to understand the legal right before they would consent to give their sanction, he, as well as any other might venture to state how far, according to his opinion, that legality might be doubted. He certainly felt how inadequate he was to oppose the right hon. gent. on a question of law, and particularly when supported by all the other high legal authorities, who must necessarily have been consulted on the drawing up of these Orders. But, no respect for any authority should deter him from opposing what he conceived to be contrary to the law of nations and the law of the land. The privy council was limited in respect to the Orders it might issue by the law of nations, as well as the Prize courts and the court of Admiralty; and there as well as every where else, the exercise of the prerogative was limited by fixed rules. This doctrine was sanctioned by the highest legal opinions. It would be found in the celebrated letter referred to in the duke of Newcastle's Paper respecting the Prussian ships, and signed by sir Dudley Ryder, and Mr. Murray the then attorney and solicitor general. It was expressly laid down by these great authorities, that the court of privy council was subject to the law of nations as well as the Prize court and the court of Admiralty. There was, besides, the principle, that government was never to interfere in such cases, and that no instructions were given to Judges. It was the opinion of lord Eldon, expressed on an appeal in the last war, that the Orders of Council were nothing but a definition of what was at that time held to be the law of nations. It was therefore now a fair matter of inquiry, how far the provisions of the Orders in Council now before the house were consistent with the law of nations and the law of the land. Whatever extraordinary doctrines might arise out of the circumstances of the times, and whatever extraordinary acts might arise out of those doctrines, it could never be allowed that the privy council should arrogate to itself what was the business of parliament. It was not consistent with the law of nations to seize the ships of neutrals, nor could a mere principle of retaliation upon a third party justify such a seizure. The Order in Council of the 7th Jan. last year, (p. 126) was in retaliation for a Decree of the French government. That decree consisted of two parts, one of which went to prevent the consumption or admission of English goods, and the other to place the British Islands in a state of blockade. This last was indeed a vain boast: it was incapable of execution, and no attempt had been ever made to execute it. He understood it to be a doctrine held by the best writers on jurisprudence, that when a principle was laid down, and not acted upon, that, as to all practical effect, it ought to be considered as null and void. For this maxim he had the highest authority, that of sir William Scott, the Judge of the Admiralty court, who, if he might trust to Robinson's Reports (which from their accuracy were no less valuable to the students of law, than to the classical reader, by perpetuating the perspicuous, chaste and elegant style in which the judgments in that court were delivered), had laid it down as a part of the law of nations, that a simple declaration of placing a port in a state of blockade, did not constitute a blockade without some fact to support it. He wished to know therefore, whether Buonaparte's declaration had been supported by any fact between the time it was issued and the 11th of Nov. the date of the Orders in Council; and in particular, whether its operation had ever been extended to America, the power which was more immediately affected, both by his decree and the measures by which it had been combated on the part of the government of this country. As far as his information went, it never had been acted upon, and that, in an explanation given by M. Decres to general Armstrong, the American minister at Paris, the latter had received an assurance, that it never was the intention of the French government to extend its operation to American ships. At any rate, it would not only have been wise in the government of this country, but it was absolutely incumbent on it to wait till it saw the event; and such was the spirit with which the Order in Council of the 7th of Jan. 1807, was dictated: It was impossible for neutrals to complain of this Order, because it was only carrying into rigorous effect the rule of war of 1756, which had been since relaxed, and it was at the same time, that kind of retaliation from which the enemy suffered the most, because it put an effectual stop to the whole of his coasting trade. Government, too, then reserved to itself the power of recurring to measures of still greater severity, should they be found to be necessary. But ministers thought it wise at that time, and he wished those now in power had followed their example, to wait till the intentions of the enemy were still further developed, till the effect of the measure then adopted was fully tried, and till a case, not merely of right, but of expediency, was made out, for having recourse to others of a more extended and vigorous nature. For, even supposing that France had attempted to give effect to her decree, it did not follow that it would have been wise and proper to issue the Orders of the 11th of Nov. We had our interests as well as our passions to consult; and he was afraid that on the score of policy it would be as difficult to vindicate them as on the grounds of legality. But this was matter of after consideration. The question to which he now called the attention of the house, was simply whether they were lawful or not, and he contended, upon the doctrine he had laid down, and the authorities he had quoted in support of them, as long as Buonaparte did not carry his Decree into execution, they were not only not lawful but unnecessary. If he was rightly informed, the Decree never had been executed, but in as far as related to the interior of France and those countries immediately under her dominion and influence. In those countries all English property had been confiscated, but he did not even know that the measure of confiscation had been extended to the vessels in which it was imported. Now, a confiscation of enemies property was a measure which had been resorted to in other wars, and though it was a strong indication of a hostile mind in the party who resorted to it, he did not think that we had any great reason to complain of it, much less did it give us a right to call upon neutrals to interfere between us and the enemy. All that we could expect of America was, that she should resist the capture of American ships at sea, and this pretension was entirely renounced by M. Decres, in his explanation to general Armstrong. For as to the Decreee of the 18th of Sept, published under the authority of the chief judge Regnier, it certainly never had been acted upon; as a proof of it, the noble lord quoted Buonaparte's last Decree, issued at Milan, in consequence of the British Orders in Council, where he denationalizes, as he calls it, all ships that have touched at a British port; which he would not have thought it necessary to have done, had this been the intention and effect of his former Decree. Nothing therefore, he contended, could justify us in retaliating upon America an act of hostility, which was directed by our enemy, not against neutrals, but against us—his opponents in the contest. Nor was the measure more illegal in principle, than in several of its details. In looking into the Order, he found that neutrals were not to be permitted to re-export particular commodities therein enumerated, none of which were contraband of war, without a licence, which licence was to be granted by ministers, and paid for of course. And, which was a more extraordinary regulation still, that every ship carrying a certificate that the cargo was not British produce or manufacture, though according to the existing law of nations there might be no objection either to cargo or the place of her destination, was to be seized and brought into an English port. The government of France had decreed that every ship coming into a French port should bring a certificate attesting that her cargo was not the produce either of the British soil or of British industry: and what was our measure of retaliation? One would expect, that no ship should enter a British port without a certificate that her cargo was not French produce or manufacture. Instead of this, however, ministers had declared every ship carrying a certificate liable to capture; and this they termed a measure of retaliation! They would not surely assert that such a regulation was conformable to law: so far from it, that he was prepared to maintain, that it was not only contrary to many old existing statutes, but was incompatible with the spirit of the constitution. It was part of the liberty of the subject that he should have free access to strangers, and the better to secure this, that strangers should have free access to him. It was one of the express provisions of Magna Charta, that merchants should not be obstructed on the high seas; and sir Edward Coke, in his commentary on this clause, expressly stated, that if their entry into our ports was not prohibited by act of parliament, it was unconstitutional to prevent them from entering. In many subsequent laws, the same provision was made for the security of foreigners, a security which did not extend merely to their persons, but to their body and goods. In support of this doctrine, the noble lord quoted the 9th, 14th and 18th of Edw. III. and likewise the 28th of the same reign, where it was positively enacted, that no ship shall be arrested on the high seas, or compelled to come to England, without the consent of the master of the ship or cargo. He would ask, then, if all these statutes, with many of a later date, had been repealed, or if they had not been infringed upon by the Orders in Council now before the house? There was another circumstance which he could not allow to pass unnoticed; viz. the time at which these Orders were issued. It would surely have been prudent, while a delicate and important negociatión was pending with America, to have abstained from any proceedings which might tend to frustrate its object. It would have been prudent to have seen what effect might be produced by the reparation offered for the affair of the Chesapeake, before they excited fresh animosity by an act, inconsistent, not only with the law of nations, but with an existing treaty between this country and America. The treaty lately negociated in this country, and which had not been ratified by the president of the United States, was not before the house, and therefore he should not quote it. He would only remark, in passing, that the refusal of the president to ratify it, was no proof that it had not been ratified, because this depended, by the forms of the American Constitution, upon the Senate, and not upon the President. But without entering upon that subject now, he asserted that the Orders in Council were a positive infraction of the treaty concluded between lord Grenville and Mr. Jay, in which it was expressly stipulated, that from the circumstances of American ships not being supposed to know what ports were blockaded, and what not, they were to be allowed to proceed on their voyage, and were not to be brought into English ports; whereas by the Orders in Council they were to be detained and brought in. There was only one more high legal authority with which he would at present trouble the house by referring to, and that was the opinion of lord chief justice Hale, who was allowed to be one of the most learned and enlightened judges that ever graced the annals of this country. On this subject, that learned judge observed, that several acts of parliament having provided for and made it not only lawful, but advantageous, for foreigners to bring their ships and goods into the ports of this kingdom, unless an act of parliament should afterwards be made to shut them out, no other power in the country can do it; and having under such sanction and authority entered into the ports of this kingdom, no power exists in it of preventing their going out of port again, but an act of parliament. In the present measures, the privy council had first done an act which nothing but parliament could do, and then by licence, they had given a power to dispense with that which their own order was meant to effect. In the event of any such cases, it was allowed, that it could only be suffered, in particular points, such as the importation of provisions, and similar acts of great necessity; but by no means did the law even countenance, much less tolerate, the receiving of money for the obtaining of licences. How could ministers expect their conduct to be sanctioned, by referring their acts to a committee of ways and means, when those acts were in opposition to the law of nations and the law of the land, to good policy, and the express stipulations of treaties, to the express rules of the prize courts, and the courts of admiralty? It was extremely improper, to bring forward a motion of the nature of that now before the house, till his majesty's ministers had obtained a Bill of Indemnity, and till the Orders in Council had themselves been sanctioned. Sir James Marriott, who had so long presided in the Admiralty Court, had declared, that the justice of that court was to be administered like all others, without reference to any orders or instructions from the crown, or to any limitations, except those imposed by act of parliament. Upon these established principles of public law, acknowledged as the standard of the conduct of the British courts of public administration, upon the acts and statutes, and authorities he had cited, he felt it his duty, leaving the policy of the measure out of the question, and reserving it for the committee, where it might be more conveniently brought forward, to declare against the Orders in Council. He considered it highly derogatory to the character of the country to see such things with indifference; things contrary to all law, and not to be justified by any principle of retaliation upon enemies. Till the right hon. gent. should convince the house of the propriety of these acts, by reference to books of public law and the statute book, till he and his colleagues should have submitted reasons to justify a Bill of Indemnity, and till such a bill should have been passed, the motion now offered was highly improper.

The *Chancellor of the Exchequer* was ready to admit, that in the view the noble lord had taken, and conceiving as the noble lord did, that the law of nations and the municipal law of the land had been violated, the noble lord was right in requiring explanation on these heads, before he agreed to the Speaker's leaving the chair. The noble lord wished now to argue the legality of these Orders in Council, and to reserve the question of policy to another stage of the business. But as the legality was so far from being decisive as to the policy, in the noble lord's opinion, the policy might as well be discussed first, and the legality after. The objections in point of law would not be found so strong as the noble lord had stated them. With respect to the principle that the law of nations did not admit of any variation, not by the privy council, as the noble lord had by mistake stated, but by the king in council, he was ready to allow that the prerogative was in that case limited and regulated by the same rules of public law as in every other. It was the exercise of the king's prerogative of war. He was free to admit, that neither the prerogative of the king in council, nor yet an act of parliament, nor any other act of any individual nation, could change the general law of nations, established and acted upon by general consent. Thus, if the thing could be legally done at all, it was as legally done now as it could be with the consent of parliament. Whatever right there was, might be as fairly exercised by the prerogative of the crown, the nation being at war, as enforced by the legislative authority. The measures that were now in force were suggested by the propriety of retaliating the aggressions of the enemy. It was extraordinary, after the example set by the late administration, that the noble lord condemned in opposition what he had as a minister sanctioned and approved. The noble lord said, that what was done by the French Decree of Nov. was mere matter of regulation, affecting only the internal regulations with respect to British merchandize. If the noble lord thought really so, he was right in maintaining and defending his opinion. But, what was to be lamented was, that the noble lord was not of the same opinion now and when in office. The Order in Council, restricting the coasting trade of France by means of neutrals, was a proof that the late ministers conceived the Order to be executed beyond the bounds of mere internal regulation. If this was the sentiment of the late ministers, then what had happened since to make them think differently? Was it the late decree? It was hard, indeed, that having the authority of those who professed mildness in justification of this rigour, those who had avowed the necessity of more active measures, should now be condemned for having followed up what that authority sanctioned. He referred to former times thus far, only to shew that the policy now enforced had been recognised and acted upon by the late ministers. The decree of Buonaparte declared the British islands in a state of blockade, and subjected British property to confiscation. This was certainly, as far as regarded the blockade, a vain and empty boast. The noble lord stated, on the misconceived authority of his learned friend (sir Wm. Scott), that a declaration of blockade, if not followed up by an actual blockade, was of no force in law. That might be the case with respect to a single port; but when a whole country was declared in a state of blockade, the inability to enforce that blockade in its full extent, proved that the declaration was intended to lay a ground for the infliction of the consequent penalties. The French decrees alledged as the ground on which they proceeded, the fact of our declaring and considering as blockaded, ports before which there was not a single Birtish ship of war, and on the extension of that principle they declared our whole empire to be blockaded. Not a step was taken on our part to counteract this principle, till it was acted upon and enforced by the enemy. The noble lord had no authority to bear him out. If the noble lord was prepared to contend, that the enemy's decree did not admit the meaning his majesty's ministers affixed to it, what did it mean? But when they saw how it was worded and executed, it was too much to contend, that unless the decree for blockading the British islands was supported by a blockading force, encircling these islands, so as to make the approach to any port of them hazardous, it was not to be regarded as of force. France asserting, that we put ports in a state of blockade without a blockading force, and assuming the right of opposing an enemy with every art and every weapon he used, published the blockade of the whole British islands. What was to be inferred from this, but that, without ships to render the approach to our coasts hazardous, the enemy would assume the right to detain vessels approaching them, whenever he could catch them. All trade in English goods was prohibited, and all such goods, wherever found, were declared lawful prize. But the noble lord said, this was of no moment, as the internal execution of the Decree in France, was all that was intended. It was rather singular, however, that the first news of the publication of the Decree at Berlin, reached this country with an account of its having been rigorously enforced at Hamburgh—Hamburgh then, as the noble lord hinted across the table, under the power of France, but reduced under that power for the express purpose of enforcing the extreme rigour of this Decree against British commerce and British goods. The sanctity of every neutral flag was, forsooth, to be most ceremoniously respected at sea; and every right and every principle of neutral territory was to be invaded and violated by land. The distinction of the noble lord was the more extraordinary, as the rigour of the terms of the Decree seemed to apply more to property at sea; and the execution was so rigorously enforced on land, where it might have been supposed not intended to be enforced at all. Let the house recollect the French minister Bourienne's declaration at Hamburgh, that all who carried on trade with England supported England; that it was on that account the French were compelled, however reluctantly, to take possession of Hamburgh; that all English goods must be produced by the Hamburghers for the purpose of being confiscated, and that in 48 hours, domiciliary visits would be paid, and military punishments inflicted on the disobedient. Was this confining the operations of the Decree to French territory? In what manner did Buonaparte himself explain the Decree in answer to the remonstrance from the merchants of Hamburgh, who stated, that a great part of the goods seized, actually belonged to them, and that the measures he was pursuing were pregnant with greater ruin to himself than to his enemy? "To destroy the commerce of the vile English," said he, "in every possible way, is my object. I have it in my power; I wish to ruin Hamburgh; for that would promote the destruction of English commerce." The construction put upon this Decree by other countries, by Spain for instance, in the manner in which she adopted the provisions of it, sufficiently proved that no doubt was entertained by them on the subject. But it was contended that the whole of the reasoning deduced from these facts was done away by the representation made by the French minister of Marine, Decres, to general Armstrong. This was the revocation with which neutrals ought to have been satisfied; which should have induced this country to refrain from any measure of retaliation! Decres stated it as his opinion (his opinion merely, not his knowledge), that the Decree did not alter the practise of neutral navigation; that it did not affect the American convention with France, nor alter the existing mode of maritime capture. After having stated this as his opinion, his unauthorized opinion, he proceeded to explain some of the secondary articles of the Decree, but on the most material point referred gen. Armstrong to the minister of external relations! It being evident, therefore, that the tendency of this French Decree was such as he had stated it, he maintained that we had a complete right to retaliate upon the enemy their own measures; that if the enemy declared we should have no trade; we had a right to declare that they should have no trade; that if the enemy proclaimed British manufactures good prize, we had a right to declare French manufactures and produce good prize. Who were interested in this subject and capable of appreciating it? In the first place, the enemy; secondly, the gentlemen opposite who formed the last administration; thirdly, the country at large, as existing in their representatives in that house; and fourthly, neutral nations. The opinion of the first was the least material, but still when it was considered how large a portion of the continent of Europe was under the dominion of the enemy, it became of some consequence to know what he had professed to be a principle of the law of nations. He had professed that by the law of nations a country had a right to oppose its enemy with his own weapons. As far, therefore, as Buonaparte was concerned, his majesty's government were warranted in their proceedings on the principles which he himself had professed; unless he founded his argument on the assertion that we had first infringed the law, by imposing a blockade. What he meant by that was not very evident; probably the blockade of unexampled extent, formed, and meritoriously formed, by the administration in which the noble lord opposite bore so distinguished a part, from the Elbe to Brest.—He came now to the second opinion, that of the last administration. He was desirous to shew the house, that if there was meaning in words, or consistency in men, unless the Order of the 7th of Jan. could be interpreted away, as it had been attempted to interpret away the French Decree, his majesty's present government, in issuing the Orders under discussion, had a right to be perfectly satisfied, that however the policy of them might be questioned by those who were parties to the former Order, to the principle they could have no objection. He could also adduce the authority of that house in confirmation of his opinion. On his own motion for the formal production of the Order of the 7th of Jan. a long discussion had taken place. Not one word did he or any other member urge against the justice or the legality of that Order. It was distinctly argued as a question of policy; and it was contended by the gentlemen opposite, that the principle on which it proceeded was not further extended, because at that time a further extension was unnecessary, but that nothing would prevent such an extension should it become requisite. He read the preamble of the Order, which asserted precisely the right which his majesty's present ministers now asserted, the right of retaliation. Indeed, what else could it be? For all that recital could never have been made, merely for the purpose of asserting a right, which the ordinary usage of war enabled us to exercise. The arguments, therefore, of the noble lord, bore as strongly against the Order of the late administration as against the Orders of the present. Adverting to the noble lord's reference to the order of 1756, he contended, that he was completely mistaken in that reference. The coasting trade of France was prohibited in 1756, on this distinct ground, that neutrals had no right to carry on that coasting trade for France in war, which France would have carried on herself in peace. With respect to the nature of the retaliation, was it to be confined exactly to the course pursued by the enemy? If the principle of right to retaliate were admitted, it must also be admitted that we had a right to chuse our mode of retaliation; otherwise, in many instances, retaliation would only enforce the destruction of the power retaliating. Suppose a fortress was besieged, this fortress supplied with water by two streams proceeding from a neutral country; and suppose that the besiegers entered the neutral country, and diverted the channel of one of these streams, would it be advisable retaliation for the besieged to enter the neutral country, and divert the channel of the other stream? The French had declared England should have no trade with them; we declared that then they should have no trade at all.—With regard to neutrals, it was an unfounded assertion, that though we had a right to injure the enemy, we had no right to injure the enemy by means that would be prejudicial to neutral powers. The last administration by their own Order acknowledged this assertion to be unfounded; that order was prejudicial to neutrals, but were they culpable for that? Certainly not. The question in a case of this kind was, is the injury to neutral Powers only consequential on measures directed against the enemy, or is the measure originally directed against neutral powers? The conduct of the last administration, in blocking up a whole river, one side of which was occupied by neutral powers, proved that they admitted the justice of this doctrine.—It had been contended, that we should have waited to see the effect of the French Decree on neutral powers; or whether France intended to put it in force. The last administration had not done so. Denmark had remonstrated against the Order of the 7th of Jan. as injurious to her trade, and went so far as to say she would resist it. In the speech of the president of the United States, it was described as a gross violation of the law of nations. If, therefore, the gentlemen opposite did not abandon their own principles, or say that they did not mean to put in force the measure which they had promulgated, they had no right to accuse his majesty's present ministers of precipitation.—He trusted he had satisfied the house, that the principle of these Orders in Council was completely justified by the law of nations, and that, as measures of war, they were also constitutionally justifiable, having been taken by the head of the executive government in the due exercise of his royal prerogative.—But the noble lord also contended, that these Orders were illegal, and a violation of Magna Charta, and the statutes of Edward III. His answer rested on the same grounds as to the former objections;—they were measures of war which the king was entitled by prerogative to take, and with which it was never intended that those statutes should interfere. The king would not be justifiable in taking such measures for financial, for commercial, or for political expediency only. This interference with neutral property, had necessarily been the practice of all former wars, or how could any blockade have been effected? By every blockade we had interfered with neutral powers, since we had threatened the ships of neutral nations in the port blockaded with confiscation, if they attempted to quit it. If his Majesty's present ministers had violated the statutes of Edw. III. and particularly the 28th of Edw. III. to which the noble lord called his attention with so much emphasis, no less had they been violated by the noble lord and his friends. But, the fact was, by neither party had they been violated, for they related to a state of peace and not of war. With respect to the steps taken in consequence of the French Certificates of Origin, signed by a French consul, and given to neutral vessels, for the purpose of preventing their seizure by French cruisers; if by accepting these certificates neutrals gave effect to the measures of France, we had undoubtedly a right to retaliate. As to any interference which the Orders in Council might have with the navigation laws, he wished that subject to be distinctly argued; but not on that night. Considering the extent of those laws, it was not impossible but some part of them might have been infringed. But if they were interfered with, it was only, as they frequently had been before, in instances in which parliament sometimes thought indemnity necessary for the measures that had been adopted, and sometimes recognized the legality of those measures. Even had he been aware, when those Orders were originally issued, that they violated some of the provisions of the navigation laws, that would not have withheld him from their adoption.—Another topic on which the noble lord had declaimed was, that by these Orders we had violated our Treaty with America. Was that to be called a treaty which was not ratified—which was returned to this country, with a declaration that unless additional concessions on our part were introduced into it, it would not be ratified? Were we bound to adhere to the stipulations of this Treaty ere it was concluded, and while it was sailing backwards and forwards, from one quarter of the globe to the other?—In imitation of the noble lord, he would say a few words, at present, on the policy of the Orders: What was the state of the two countries of G. Britain and France with respect to trade? Previous to the issuing of Orders in Council, France enjoyed, by the assistance of neutrals, as great advantages of trade as we possessed with our triumphant navy. Our navy, indeed, as belligerent, was neutralized, and rendered useless by neutral ships carrying to France all that it was important for France to obtain. This had been the case for so long a period, that even prior to the Decree of the 21st of Nov. it might have been matter of delicate inquiry, whether this country ought not to have resorted to the measure of 1756. But surely the noble lord must see, that after the issuing of the Decree of the 21st of Nov. a much stronger measure was necessary. Otherwise French property conveyed in neutral bottoms, would have been safe; British property in danger.—It had been declared, that the French Decree was a dead letter, and that it was easily evaded. He was well aware, that the certificates of origin gave opportunities, by the assistance of forgery and perjury, for the introduction of our goods on the continent. Such practices, however, were not to be encouraged; and so far from its being a dead letter, France was, from time to time, supplied by new provisions for the deficiencies of the Decree. The different coasts had been lined with troops, and other means of improvement from time to time recurred to.—Among the arguments which had been urged against the Orders in Council, it had been contended, that they were the cause of the distress which our manufacturers experienced. It had been said, that France had shut the door against our commerce, and that we had bolted it. But every one who was at all acquainted with the subject, must know that the pressure which our manufactures sustained, was antecedent to the promulgation of the Orders, and that it originated in the French Decree. If we entertained a hope, that the great inconvenience sustained by the continent for want of British manufactures, might produce a resistance to those measures of the French government, by which they were excluded, our policy evidently was by increasing that inconvenience, to endeavour to force a market. It was impossible to say to what extent the arbitrary power of France might compel the countries under her dominion to consent to their own ruin. If France could exclude our goods from the continent, they would have been excluded had our Orders never appeared. If they were excluded, we must look to the rest of the world, for the trade with which by those very Orders, we had secured a monopoly. By that trade we must endeavour to compensate ourselves for the loss of continental commerce.—With regard to the effect which these Orders might have on our relations with America, that was a most important subject. Some persons apprehended, that they might induce America to go to war with us. He trusted not; he believed not: no one would regret such an event more than himself. He was far from entertaining the mistaken idea, that we might redeem our own losses by the sufferings of America. Loss to America was loss to G. Britain. He wished to prevent war with America, for although the mischiefs which America would suffer by war, must first be felt by her, they would eventually be felt by us. The prosperity of America was the prosperity of Great Britain, and he was as anxious to preserve peace with America, consistently with the rights and interests of this country, as any man. As he hoped that peace might be preserved, so he believed that it would be preserved; for, if any enlightened view existed in America of the principle of the measures which we had adopted, it was impossible that they could be the cause of war. It was impossible that the Americans could look at the Orders in Council without perceiving in them many instances of caution not to injure America. There were various exceptions in diminution of the effect of those Orders, which showed that we were desirous of doing as little injury to America as possible. If the noble lord, on a review of the arguments that had just been urged, or on a recollection of his former impressions on the subject, came to doubt whether he was justified in charging the British Government with acts of violence towards neutral nations, it would be for him to consider, what kind of impression might be made on America, by the notion that a great part of the deliberative council of England were of opinion, that the act now under discussion was one against which, on every principle of honour and dignity, the Americans ought to take exception. If such an impression, under such an authority, were to go to America, the consequences might be highly injurious to both countries. He recommended these considerations to the attention of any hon. gent. who might be preparing to support the noble lord's arguments. The British government had been actuated by no spirit of jealousy or hostility against neutral powers, more particularly against America. They had merely done that which it was it was their duty to do, in consequence of the measures that had been adopted by the enemy for the destruction of the country.

Dr. *Laurence* contended, that all the arguments which had been used by his right hon. friend, made in favour of the principles maintained by his noble friend. If ever there was a crisis, when no measure of magnitude, that might affect the great interests of the country, ought to pass without the sedulous attention of parliament, it was the present. The Orders in Council should be considered in three points of view: 1st. As to their simplicity or complexity; 2dly, As to their legality according to the municipal law of the country; and 3dly, As to their legality according to the law of nations. The number and variety of the orders and explanatory orders created much complexity and confusion, and there were many objections to different parts of them, some of which even went to their legality. Their interference with the freedom and security of foreign merchants was inconsistent with the provisions of Magna Charta, which ordained, that every facility should be given to alien merchants trading in merchandise, 'nisi publice prohibiti,' that is, by positive law. But the illegality of the Orders in his mind, arose principally from the gross abuse of the Act of the 43d of his majesty: that proceeding on a precedent in the late war, which authorised the admission of certain articles, indispensable to us, direct from enemies ports, which articles were to be specified in the king's license. The specification under the late Orders was not confined to a few articles, but comprehended the whole book of rates, and thereby suspended all the navigation laws, which in the former case were but partially affected, and this under the shadow of an act, which let in but three or four.—In the arguments he should feel it his duty to use, he was not very solicitous about the defence of any administration; but yet he must think meanly of himself, if he could hesitate to declare, that he felt a fixed and rooted aversion to a power which came in unconstitutionally, and which he thought was not exerted for the benefit or honour of the country. As to the system of morality which was to be adopted in the war with Buonaparte, instead of conjuring up from the infernal regions wicked spirit to contend against wicked spirit, he would rather that we should draw down from heaven the principles of virtue, justice, and true fortitude, to correct the wickedness of others. There was a species of courage which was as eminently displayed in the cabinet as in the field; but the present ministers, in their agonies and convulsive efforts, seemed to wish to prove that they had as much energy as Buonaparte. He was no defender of Buonaparte, but still, if he did any thing that was good, he was not ashamed to say that it was good. He was not ashamed to say, that some of the best laws in our Statute Book were enacted during the tyrannical reign of Richard the 3rd. He did not well know how neutrals could relish our law of retaliation. It seemed to be upon this principle: 'Buonaparte has flead you, and therefore we will cut you to the bone.' It behoved the legislature, before the Orders could have any effect upon foreign nations, to ascertain whether they were right. His right hon. friend had stated, that these Orders were in retaliation of the measures of the enemy, upon the same principle as the Order of the 7th of Jan. 1807. But he contended, that they could not be considered as measures of retaliation, because the French Decree of the 21st of Nov. 1806, had never been acted upon, so as to require such a retaliation. In proof of this he quoted the answer of the French minister of marine to the application of the American minister for an explanation of that Decree, in which it was stated, that the Decree did not alter the maritime law of France with respect to captures; that American ships would not be captured when passing between the ports of America and England, and that it was only the entrance of such vessels into the ports of France with English goods, which amounted to a breach of the blockade, that would subject them to capture. Another communication, on the same subject, dated the 24th of Dec. gave a positive explanation, as the previous one had a negative explanation, that neutral vessels, coming from England or her colonies, would not be received in the ports of France; and, if detected in endeavouring to evade this decree by false papers, would be confiscated; so that the decree of the 21st of Nov. had not been acted upon in France, from the time of its publication up to September last, in any manner to call for the retaliation by her Orders in Council. The Decree had been adopted in Spain, and in that country too, it had not been executed, any more than in France, in any way, so as to authorize the measures that had been resorted to by this government. The case of the vessel, the Shepherdess, an American, with a cargo of English merchandize, which after an appeal to the Admiralty Court at Madrid, had been released from a Spanish port, he stated to demonstrate that fact. There was no justification of the Orders in Council therefore, in the conduct of the enemy. As to the case of America, it was his wish that we should relax in our rights in her favour as much as our circumstances would admit of; and here he was ready to deny the application of the principle, that we had no right to search neutral merchant vessels for any thing but contraband of war. The insult to a state could only be offered by searching a vessel of the state; the search of a private vessel might amount to a private injury, but could not be considered a public insult. As to the certificates of origin, his right hon. friend must know, that until lord Auckland's treaty, they were uniformly required in the ports of France, and in time of peace. On all these grounds he should agree with his noble friend in opposing the Speaker's leaving the chair, because he thought that this was a question upon which his majesty's ministers ought to fortify themselves with the strength of parliament and the sense of the nation, at a time when the eyes of the world were upon their proceedings.

The *Master of the Rolls* said, he had listened with great attention to the arguments of his hon. and learned friend who had just sat down, and before he proceeded specifically to observe on them, he would beg leave to make one general observation in answer to a principle that appeared to him to be hastily adopted and applied in the reasoning of his hon. and learned friend. His hon. and learned friend had argued in favour of the necessity of delay; but it did appear to him, that no farther lapse of time was at all necessary to the due consideration of the subject now before the house. Considerable stress was laid by his hon. and learned friend on the various inconsistencies which, in his opinion, were to be discovered in those orders; but before he went into that part of the argument he must take leave to say that, even admitting those inconsistencies in their full force, he could not see how that could be a ground for deferring their consideration. His hon. and learned friend had said, that his majesty's ministers ought to go forth on this occasion with the whole strength of the house of commons. It was about a twelvemonth since, that a measure of this sort had been refused even to the inspection of the house of commons, and it had then been said, that to call for such a paper would be to interfere with the conduct of the war, and a denial of that just confidence which was due to ministers; that no ground could be laid for its production, and that parliament ought not to be possessed of it in a shape that could make it the subject of discussion. He was surprized, therefore, to find that his hon. and learned friend had refrained from giving his advice till this day upon the subject, and that, entertaining the opinions he did, he had not endeavoured to recal the late ministers from an act which he considered unjustifiable. His hon. and learned friend had admitted, that on a principle of retaliation, measures of this kind were justifiable, and he agreed with his hon. and learned friend, that when such measures were to operate upon innocent neutrals, it ought to be grave matter of consideration whether they should be resorted to. His hon. and learned friend had stated, that such measures ought to follow the acts of the enemy, or otherwise they would not be acts of retaliation. With this doctrine he agreed in part; but when the enemy departed from justice, he was of opinion that we were justified in retaliating in substance, and not bound to adhere to the form. And he was surprized, indeed, to hear the noble lord who opened this debate, put the construction he had done upon the French decree of 1806, because that construction took away all justification from the Order of the 7th of Jan. 1807. It was matter of astonishment to him to hear any one who had uttered a syllable in support of the Order of the 7th of Jan. 1807, objecting to the orders then under consideration. The very preamble of the former order was a refutation of the noble lord's arguments. That preamble stated the gross injustice of the French decree to be the foundation of the order. The noble lord and his learned friend contended, not that France did not understand the decree, according to the construction upon which the orders proceeded; but that no person reading the decree could understand it so. For his part, he could not see what other construction could be put upon it; and certainly the government of France was not in the habit of making silly or inconsequential decrees. France had stated, that our departure from the maritime law, in declaring four kingdoms in a state of blockade, was the cause of their declaring this kingdom in a state of blockade, though without any act of blockade. The confiscation was a consequence of blockade, and therefore not necessary to be notified to neutrals. He would not deny that there were ambiguous expressions in the French decree; but these ambiguities enabled them to put their own construction upon the decree, as it might suit the occasion, either to relax in its execution, if neutral nations should make a spirited resistance, or to inforce it, if they submitted. Accordingly, notwithstanding the explanation given to the American minister, after the lapse of some time, when the neutrals had been deceived, the interpretation that had since been published of the decree declared, that all vessels coming from English ports should be captured. He was surprized that this interpretation, more sophistical than any other official paper, except the decree itself, had satisfied the Americans. But it had not, he was convinced, satisfied them; though here, where their interests were better argued than by themselves, that impression might be entertained. During the French revolution, he remembered, that the conduct of the revolutionists was defended in this country, upon grounds which they never thought of themselves, until they saw them in the accounts of the proceedings of the British parliament. He had seen an act of the American Congress, which did not refer in the slightest degree to that satisfaction. The French minister had said, that the Decree of the 21st of Nov. did not alter the maritime law of France. He did not know what law was meant here. There had been many such laws against neutrals during the revolution, and if the explanation referred to them, the decree did not alter them. The explanation, however, did give every satisfaction as to the construction of the restriction, or the extension of the decree, which was the most important information for America to receive. The single case that had been stated by his learned friend, as it took place in Spain, went to the whole case, and shewed, that not even was the decree executed to the confiscation of British goods, which his learned friend had admitted to be within the provisions of the decree. It was upon that ground, that the late ministers had founded their Order, which in the debate this time twelvemonth they declared not to be a limited measure, but intended to be followed up by more vigorous measures, if France should persevere in her injustice. What was the Note delivered with the treaty to the American minister, but a declaration that we should retaliate to any extent which the conduct of France and the submission of Neutrals might render necessary? These Orders only declared the ports of France and her allies in a state of blockade, and their produce contraband of war; and France had done the same by this country. The exceptions were so many mitigations, which, perhaps, rendered the Orders more exceptionable. When the coast from Brest to the Elbe was declared last war in a state of blockade, commercial regulations were first connected with the blockade. From Brest to Ostend could be justly blockaded, but not the coast from Ostend to the Elbe. All vessels, therefore, not coming from or going to France, were permitted to pass unmolested to and from the ports between Ostend and the Elbe. The Orders in Council did not, could not, alter the law of nations. The king might issue his declaration, because he was not to leave his courts to infer what was the law of nations, but the king's declaration did not alter the law of nations, but was to be justified by that law. He had never heard nor ever read in any book upon the subject, that the parliament had ever enacted any thing upon the law of nations, or had ever complained of the king's right to declare war or contraband of war. Municipal law could never regulate upon this point. When the crown was intrusted with the power of making war, it should not be deprived of the means of carrying it on with vigour and effect. The question respecting the law of nations was out of the jurisdiction and competence of parliament, and much more now than last year, when the noble lord said that it would not be safe to lay papers of this kind before parliament. The words of an act of parliament might unintentionally trench upon the prerogative, so might the words of an Order of Council upon an act of parliament. The question therefore, was, not whether an indemnity was necessary, but whether the law of nations had been violated.—An allusion had been particularly made to one of the Orders, that respecting Certificates of Origin. The Decree requiring these certificates had been said by his learned friend to be a mere municipal regulation. He considered these certificates of origin as a prohibition of neutrals from carrying British goods, and contended that this was a breach of the law of nations; and that neutrals, by thus admitting that France had the power to legislate for them, made themselves her instruments against us. Persons entertained strange notions of the law of nations, when they supposed that a nation could not perform an act of vigour for its own preservation, without violating the rule of its conduct. But this could not be a violation of the rule, for the case was out of the rule. When the enemy abandoned the rule, it was our duty not to be bound by it, but to inflict that injury upon him which he intended for us, until we forced him to peace. If France could continue to enjoy all the advantages of commerce through neutral trade, whilst we were suffering every injury that could result from her decrees, she would have no motive to peace, and this country would soon be reduced to the alternative, either of submitting to peace upon any terms, or of continuing the war to an endless period. He thought that Europe might be made to feel, that a maritime power was much less dependant upon Europe than the continent was upon the maritime power. He would not suffer his country to perish, merely because the measures which were necessary for its preservation might press upon neutral commerce, which Buonaparte had before violated. There was no contract without a reciprocal obligation, and if neutrals did not oblige the other party to adhere to the law of nations, they could not complain of us for not adhering to it. Upon these grounds, he saw no reason to question the propriety of these Orders in Council, which would not impeach the Order of Jan. 1807, issued by an administration which certainly claimed to possess a great portion of all the talents, wisdom, and consideration, of the country. Such an administration could not have taken such a measure, without due deliberation. They could certainly not say now, if they had altered their opinion upon the question, that it was lawful for them alone to violate the law of nations, and that the door was shut against all infraction of that law from the moment when they retired from office. It was now a time for indemnity for the Order of 1807, because upon that principle they should make reparation for all the measures that had been taken under that Order, restore all the ships captured, and repair all the losses sustained thereby. The noble lord had said, that the Order of 1807 was only a slight departure from the rule of 1756. But if ever so trifling, it was still a departure, and an alteration of the law. It was not to be supposed, that the late ministers had adopted their measure in the dark. Theirs was the departure from the law of nations; the late Orders were only in conformity with that law, upon the principles of retaliation; and upon these grounds, he should support the motion of his right hon. friend, for referring the Orders to the committee of ways and means.

Mr. *Windham* could not bring himself to think that the argumentum ad hominem, the continual allusion to, and comparison with, the measures of the late administration, as a justification of those pursued by the present, was a mode of argument consistent either with the importance of the subject under consideration, or the gravity of the person by whom it was urged. Still more was he surprised at the extent to which the right hon. and learned gent. seemed disposed to carry the new doctrines which he had broached that night. Much stress had been laid by both sides of the house on the due observance of the law of nations. It would however now appear, that, though the law of nations might be extremely valuable, yet it were absurd to be bound by them, when it was found convenient and useful to infringe them. But if that were the case, of what value could they be considered? Who could force nations to respect them, when they should appear contrary to the interests of nations? The same might be said of moral law. By what ties or restraints would the society of men be then regulated and bound? Must not such doctrine drive at the abrogation of all law; what would laws be more than those instituted at Highgate; laws which only enjoined a conditional observance? As absurd and ridiculous was the idea set up of retaliation. It would lead to the most strange and ludicrous effects, if carried to the extreme which was insinuated, and which seemed to be intended. What! if a blind man chanced to thrust out your eye, would you in this spirit of retaliation, thrust out the eyes of the blind man? Such however, were the absurdities in which such doctrines were entangled; such the insane consequences to which we must be driven, if any utility, however slight, were to justify the infringement of the laws of nations. If Buonaparte enforced, for example, one of his mad decrees at Hamburgh, were we therefore justified in extending the same severity to the rest of the world? Was his conduct in that particular to be a rule for others to authorize them in adopting similar measures to an unlimited extent? It surely was not enough to consider how such measures of retaliation might operate on the two powers more immediately concerned. It should also be considered how they might affect a third party; and above all, how they might affect America. But hopes seemed somewhere to be entertained, that those measures might produce most distressing effects on the continent. We might, it seems, be able to starve the continent, and still be not affected ourselves. What! starve the continent and not be affected ourselves! was this then the manner in which these vigorous measures were to effectuate the salvation of the country? But it was likewise insisted, that such proceedings belonged to the prerogative of the crown, and that therefore parliament should have no controul over them. If that were true, why make them a subject of parliamentary discussion? Why not continue to enforce them, without question or inquiry? It was unquestionably the prerogative of the crown to make war or peace. No man would dispute it; yet had it not been the practice of parliament, and was it not in the nature of things, to inquire into the principle and justice of those wars, or the policy of the treaties by which they had been terminated? Upon old principles it was impossible to reason upon these new doctrines. His chief object in rising, was to express his entire disapprobation of such doctrines, and to entreat ministers to re-consider and revise these measures. They must own that they were exceedingly complicated, and he could not but think that a re-consideration and revision of them was the more necessary, when it appeared, that not only we did not understand our own measures, but that we were still unacquainted with the nature and extent of the French Decree upon which they were founded, and which they were intended to counteract.

Sir *Arthur Piggott* said, that more pains had been taken to shew, that the Order in Council, issued by the late administration was wrong, than to prove that the Orders since issued by the present ministers were right. He was much deceived, or his majesty's government would in a month, perhaps in a week, regret the consequences to which these measures would give rise. He must therefore unite in the wish and advice of his right honourable friend, that before it was too late, ministers would consent to reconsider and revise them, and seriously examine how far, under the circumstances that were likely to arise, they should adopt or reject them. At all events, they ought not not be pressed now. The house should pause and reflect how ruinous their effects might prove to our trade; more especially how they might affect our intercourse with America, almost the only power with which we now had to remain in amity. If they, or any neutrals, could carry on any trade at all, the whole of that trade must be carried on through this country, and under such regulations as we might chuse to impose upon it. Why, then, hazard cutting up our trade altogether? As to the Order in Council of Jan. 1807, it never was intended to justify it on the principle of retaliation. It never was conceived in that spirit, or intended to be enforced on that principle. It was, therefore, with infinite surprize, that he had heard it compared with the measures that had since been adopted, and in support of which such monstrous doctrines had been broached and insisted on; and his surprize was further increased, when he found it asserted, that the said Order even went to a greater extent than the present Orders, and that their spirit and principle were deduced from it. Nothing could be more unfounded, and nothing could he deprecate more than a blind and hasty decision upon such important and critical points.

Mr. *Eden* declared, that really he did expect that some case would be made out against America, before such a measure as the present would have been presented to the house for its adoption. As no such case was attempted to be shewn, he found it his duty to oppose the motion. —The question was then put and carried.— The house then went into a committee, in whicht he Chancellor of the Exchequer proposed certain duties on foreign produce exported from England. The resolutions were then agreed to pro forma, and the report ordered to be received on Monday.

HOUSE OF LORDS,

Monday, February 8.

EXPEDITION TO COPENHAGEN.] The Duke of *Norfolk* rose, agreeably to notice, to move for certain Papers which might tend to throw more light on the motives which had induced his majesty's ministers to propose and undertake the Expedition to Denmark. As he understood that the production of some of the papers for which he should move, would not be objected to, he should begin by moving for those papers, that the observations which related to one set of the papers, might not be entangled with those which referred to another set; he should now therefore, move, an humble address to his majesty, praying he would be graciously pleased to direct, that there be laid before the house, such Proclamations as had been issued by our naval and military commanders, before Copenhagen, previous to their attack upon that city. This motion being agreed to, the noble duke proceeded to move for papers of a more specific nature, which related to the hostile intentions of Denmark, and the secret arrangements entered into at Tilsit between the emperors Alexander and Napoleon, and which arrangements were said to be hostile to the interests of this country. Without the production of documents of this description, it was utterly impossible for ministers to make out a case that should appear justified by the necessity under which they pretended to have acted, and which formed the chief apology for their conduct. He was aware that a necessity might exist that would supply a complete vindication, but the difficulty was to draw the line where that imperious necessity commenced; and this view of the affair led him, for a moment, to notice the Declaration subscribed with his majesty's name, which had received the sanction of the British government, and which must be attributed to the advice of the servants of the crown. After an attentive perusal of that instrument, he could discover no such necessity as had been pretended; that attempt at justification which had been submitted to the eyes of all Europe had failed, and we were exposed to the disgrace consequent on this failure. Admitting there was such a necessity, the difficulty of our situation was to be met with wisdom and policy. It was not enough that by the effort we gained something; we must compare the losses with the acquisitions, and determine which preponderated. True it was, that we had gained possession of the Danish Navy; but by that possession we had thrown Denmark into the arms of France, and encreased the number of our enemies by the addition of this neutral and independent kingdom. He did expect that some pains would have been taken to satisfy the house on this questionable transaction: that the Declaration being incompetent, the deficiency would have been supplied by documentary evidence, showing, that had the Danish fleet not been captured by our Navy, it must inevitably have fallen within the grasp of the enemy. It was said, that the danger was imminent, because Holstein was in the power of France. This assertion was incorrect; but were the fact otherwise, until the whole of Jutland should have been occupied by the troops of the foe, no such peril was to be apprehended; but, after we had committed this act of injustice and violence, every thing was to be feared, because we had, by our own misconduct, alienated the affections of a friendly state; yet, if the French army were in Jutland, was the conquest of Zealand secure? While the Danes possessed a fleet to defend themselves, the enterprize would have been hazardous and difficult, and might have ultimately terminated in the triumph of naval over military tactics. But the utility of the Danish marine was not confined to herself; it was the constant object of jealousy to Russia, and contributed to controul the operations of that power, which was now inimical to this country, and had the complete dominion of the Baltic Sea. Was it intended by ministers to assert that no nation on earth had a right to naval power except Britain? The same policy which led them to capture the Danish fleet should have urged them on to Cronstadt, to seize the navy of Alexander; and the marine of Portugal should, on the like principle, have been forced into our harbours. To the application of such a rule of conduct, the globe itself could assign no limit: from the British Channel to the confines of China it was to be extended. Not Denmark only, but Russia also, by such an aggression, was converted into an inveterate enemy—Russia, from whence our arsenals were supplied with the most valuable articles for the maintenance of our maritime strength.—Russia, who herself possessed a powerful navy, which would become a most important accession to the naval resources of France. Ministers, surely, under such circumstances, would be disposed, for their own credit, to lay before the house all possible information, to silence the tongue of calumny, which had been so loud upon the occasion. His principal motive in applying for these documents was, certainly, the preservation of the honour of the country, which so long had maintained its character and dignity amongst the nations of Europe. He did not think it necessary to detain their lordships any longer, on a question to which he could not conceive that there existed any well-grounded objection, but should content himself with moving an humble address to his majesty, praying for the production of the substance and dates of all information transmitted by his majesty's ministers at the court of Denmark, during the last year, respecting the naval force of that country; and more particularly respecting the measures that had been adopted for augmenting the same, or for putting it in a state of forward preparation for sea.—On the question being put,

Marquis *Wellesley* rose. He said he had listened with the greatest attention to the speech of the noble mover, but must certainly differ from him as to the necessity of having before their lordships the mass of documents, which had been called for. What! could their lordships doubt for a moment, that they had not sufficient proof before them to justify the conduct of his majesty's ministers, in having undertaken that great and saving measure, the Expedition to Copenhagen? He thought that without any further proof than what was already before their lordships, the question was now ripe for discussion. On stating this, he rested on the proofs before their lordships and the country, he meant the various circumstances and facts which could not escape the notice of the most common observer. Why ask for official documents, when their lordships might adduce the progress of events, the relative situation of Denmark and France, and then again the relative situation of England with either, or with both? To ask for further proofs than the circumstances of the case exhibited, would be to slur and insult the national character. In fact, such a parliamentary proceeding would be to cast a reproach on the country for having defeated the enemy, and frustrated his designs by anticipation. With a view, however, of going as largely into the subject as some noble lords seemed to wish, he should consider, first, the necessity of the case; next, the designs of France, and her means to accomplish them; thirdly, the means of Denmark to resist France; and, lastly, the law of nations, as involved in the question. He should, in taking his view of the state and condition of France, not carry their lordships attention farther back than the battle of Trafalgar, that proud and glorious event for the honour and independence of this country. At that period there was a hostile disposition against France on the continent; even after the defeat of the Prussians, there existed an enmity and disposition on the continent against her influence and dominion; in fact, as long as the continent saw any hope of resisting the French with success, a rancorous feeling and disposition to manifest resistance, appeared, either directly or indirectly, in most places which could bid defiance for the moment to the power of France; but he was sorry to add, that the feelings and disposition which had thus distinguished the continent, while the fate of France was questionable, immediately changed after the unfortunate battle of Friedland. From that time the hope of the continent was turned into despair, the face of things was altered, and instead of resistance being thought of, every thing fell before the sword of the triumphant armies of France. Taking up the situation of Buonaparte at this period, how different was it from his condition at the period when we gained the victory of Trafalgar! Though a short time had elapsed from the achievement of that memorable event to the success of the French at Friedland, yet such a sudden change had taken place on the continent, that the hopes of further resistance to them seemed wholly abandoned. This, then, being the relative situation of France and this country at the time, it must be obvious to every thinking mind that Buonaparte would immediately turn his views and power against the resources and ascendancy of the British empire. Did their lordships want any proof of his intention to destroy and annihilate our independence, nay, our very existence as a nation? Could a doubt remain in the breast of their lordships of his hatred, and of disposition to try all means by which he might accomplish our ruin and overthrow; and how could he expect to promote his designs so effectually as by the complete ruin of our commerce and naval superiority? He had asked their lordships, whether they could hesitate for a moment to decide that such was the intention of Buonaparte; but if doubts could be still entertained on a subject, which to him appeared as clear as possible, surely they must be removed by the declaration of the enemy himself, who vaunted, soon after the battle of Friedland, that he had conquered the peace of the continent. And how did he gain his object even on the continent? By compelling the powers whom he conquered, or whom he intimidated into an alliance, to yield to his wishes, and co-operate with him in his fixed, his determined, hostility against the existence of this great empire. Having thus forced, directly or indirectly, all the powers which he was able to controul, in the first instance, against England; having, as he stated, conquered a peace on the continent, in order to commence a terrible war against our naval superiority, could it be supposed by any reflecting man in the country, with such evidence before him, of a determined and fixed resolution to try all means for the accomplishment of our downfall—could it, he would again ask, be supposed that our active, desperate, and powerful enemy, would have neglected to avail himself of the means and resources which Denmark presented for the furtherance of his projects? Was it to be imagined that the consummate general and able statesman who was at the head of affairs in France, entertaining such views, would neglect the desirable expedient of adding the navy of Denmark to his resources. If we should not be satisfied with this presumptive proof, we might bring the testimony still nearer; for he announced this intention almost in direct terms, after the fatal battle of Friedland; and the whole of his subsequent conduct had been illustrative of it. The movement of the French armies, the appointment of a distinguished officer in Hamburgh, close to the scene of action, and the collection of a vast military force in that neighbourhood, all conduced to shew that he meant to overawe, if not to conquer, Denmark; and, either by fraud or force, to render her subservient to his grand project for the humiliation of Great

Britain. This plan was not confined to Denmark; it was to be extended to Portugal; and in both countries all British subjects were to be seized, every means of oppression was to be employed, the combined forces of these kingdoms were to be directed to complete the punishment of the oppressors of the seas, the enemies to the freedom of navigation throughout the world. This was not vague conjecture: the purpose was disclosed at the court of France by her military ruler to the ambassadors of Portugal and of Denmark, in immediate succession. The communication was not made in the moment of haste, or under the ebullition of passion: it was imparted during the frigid formalities of state ceremony. It was well known, that before the 1st of September, he publicly demanded of the minister of the court of Portugal, in the presence of the ministers of all the courts who had envoys in his presence, whether he had transmitted his order to the court of Portugal to join their fleet to the maritime confederacy against England, to shut their ports against its trade, and to confiscate the property of its subjects within the Portuguese territory? and having said this he turned round to the Danish minister and asked him, whether he had transmitted the same order to his court? The design of the emperor of the French, therefore, to draw the fleet of Denmark into his power, was manifest, and no documents were required to make it more clear. That he had the power to carry his designs into execution was to him equally clear.—It had been asserted by the noble duke, that many difficulties would remain to be encountered, even after the enemy should be in possession of the peninsula of Jutland. The noble marquis said he had himself taken some pains to collect information as to the maritime obstructions and facilities on the coast of Zealand, which he would submit to the notice of their lordships, in answer to the opinions to which he had just adverted. The ordinary state of the Belt in the winter season was to have the passage intercepted by floating ice, which was carried off by the current, and dispersed by the wind, or occasionally melted during a warm interval, so as entirely to disappear. There were no tides in the Belt; and the course of the stream accompanying the wind, nothing was more frequent than for vessels in that channel to be driven off from their station. In this situation of things, the enemy might with facility effect his purpose of transport from the adjacent territory. The large extent of coast was another circumstance to be considered; so that, without the necessity of supposing any favourable state of the elements, it could be readily imagined, that the occupation of the continental dependencies of Denmark would be soon followed by the conquest of her insular possessions. It might be inquired, if the Danish army would be inactive during these hostile proceedings? What was its strength? It was stated at 25,000 men, on paper; but he believed, in effective force, it did not exceed 18,000. How could this irregular levy encounter the victorious troops of France, poured into the country in numbers, at pleasure, proportioned to the degree of resistance to be expected? It perhaps would also be asked, on what principle of policy it was that we offered to guarantee to Denmark the security of her dominions, when so much difficulty must attend their preservation? He would not pretend to determine what might have been the result, had the Danish army been supported by British valour, and had their combined exertions being aided by the organization of a patriotic people, in defence of their hearths and their altars; but, in any view he could take of the subject, it would have been an arduous and difficult enterprize. Some inconvenience would have arisen from other causes. Zealand did not afford a sufficient quantity of provisions for the maintenance of its own inhabitants; and hence, even for the ordinary demand, it was necessary for her to obtain her principal articles of subsistence from Holstein and Jutland. If numerous forces were collected in the island, much larger demands would be made upon the continent than could be answered, because the French would be in possession of those dependencies, and thus the apparent means of security would increase their danger, and they would ultimately fall a sacrifice to their own necessities. Whatever might be the disposition of England to assist them in this emergency, it might be physically impossible; the inclemency of the season would, probably, prevent access at the time when communication was absolutely necessary to their support. Reflecting, then, on all these circumstances, it was his firm conviction, that whenever the French thought it necessary to their schemes of aggrandisement or power, Zealand would have become an easy victim to their ambition. The policy of Buonaparte might, perhaps, have dictated less violent means; he might have contented himself with threats, "I will spare you," he might have said "your islands; I will even resign to you your continental possessions, on the condition that you unite your naval and military forces with the rest of Europe against the common enemy. If you obstinately persevere in maintaining your relations of amity with the despot of the ocean, your German provinces shall be partitioned by new claimants, and your islands shall become dependencies on the adjacent shores." It was not difficult to discern, that Denmark had no strong bias in favour of this country: her disposition was manifestly shewn on the memorable occasion of the armed neutrality. But nice inquiries into her political attachments were not, in the present circumstances, necessary; it was sufficient to shew, that she was absolutely dependent upon France; and the unavoidable conclusion was, that she would be subservient to the purposes of France. The state of the continent necessarily assimilated her interest to that government; and, in truth, she held her most productive territories only by its permission. Not only her dominions, but the chief support of her importance—her commerce, was at the disposal of the same power; for, in time of war especially, she must be deprived of her intercourse with the most opulent states, unless the concurrence of France should sanction her proceedings. From all that had been urged on these various departments of the subject, he would draw three natural inferences. 1st. It was the purpose of France to seize the Danish Fleet. 2d. It was in the power of France to seize it. 3d. Denmark had no adequate means of resistance—.He would consider these positions now as sufficiently established, and would proceed to some other matters of great weight in his view of the subject. What would have been the consequence, had France obtained the co-operation of this powerful marine? Their lordships would immediately perceive, that it would not have been a solitary acquisition. It would have been added to the navy of Russia, and the subjection of the Swedish fleet would have precipitately followed; and thus, the whole of the floating strength of these three powers would have been under the controul of our enemy. It would have been no trifling accession; 40 sail of the line would have been placed in a commanding situation for the attack of the vulnerable parts of Ireland, and for a descent upon the coasts of England or Scotland; and in opposition to this formidable navy the admiralty could not have assigned any competent force, without weakening our stations in the Mediterranean, in the Atlantic, and in the Indian seas, at a time when it was most necessary to maintain our superiority in all these situations. Such being the character and power of the enemy, and such the condition of Denmark, was it possible that any one of their lordships could assert that the danger was not imminent? The case of danger, made out, even in the imperfect manner he had stated it, was so great, that it concerned the very existence of the country, as an independent power. Had ministers not acted as they had done, they would have fatally abandoned their highest duties; and he hoped in God, that if ever similar circumstances should occur, the same wisdom would be found at the helm, to conduct the vessel of the state in security, amid the shoals and rocks that threatened its destruction? The moment was precious: a few weeks, perhaps, the progress of a single week, would have rendered the attempt unsuccessful, and we should have been exposed to all the dreadful consequences he had detailed. Addressing a British audience, he could scarcely justify arguing the subject; the peril to which the nation was liable called up every sentiment of affection to our constitution, to our liberties, and our laws, and, in terms mandatory and irresistible, dictated the course which must be pursued. The violence which had been attributed to this measure was unavoidable; every attempt at negociation was unsuccessfully made; every offer of remuneration was insultingly rejected. It would have been useless to have extorted promises from a people wholly at the disposal of the enemy; nothing less than the resignation of the fleet was sufficient, and the means by which it was obtained was justified on every principle of truth, of equity, and of honour. The great maxims of the law of nations were founded on the law of nature; and the law of security or self-preservation was, among these, the most important and sacred. It was a law equally to be obeyed by individuals and communities. The king, placed at the head of the great society subsisting on these islands, had no duty paramount to the protection of his people, and by the servants of the crown this imperious duty had been, on this momentous occasion, vigilantly and ably discharged. The principle of the great law of nature and nations was clearly applicable to the case before their lordships. Here was an instrument of war within the grasp of our inveterate enemy: we interposed and seized it; and this act of energy and wisdom was to have the hard epithets of rapine and impiety ascribed to it! To shew that injury had been done to an innocent party in a transaction, was not to prove its iniquity. All war had the effect to involve in its horrors the helpless and the innocent; but it was not on that account, necessarily unjust. Let any man say how war could be conducted without it. As neutral individuals might be sacrificed in the common calamity, so also might neutral nations. In cases of this kind, the party committing the injury was frequently mistaken; it was often not done by the ostensible instrument, but by the silent agent, which by previous misconduct had exposed the sufferer to such an unfortunate situation. Were not such principles fairly referable to every part of this extraordinary case? If he had accurately stated the relative rights of communities as founded on the laws of nature, the government of Great Britain had only put in exercise that law of self-preservation that needed no learned and intricate disquisitions to justify. What signified reasoning on abstract rights, it might be said, when the general voice of Europe proclaimed the criminality of our conduct? But, was the tongue of Europe free as to the great principles of public law, affecting the interests of Great Britain, especially on subjects connected with our maritime claims? Could their lordships point out any place on the map of Europe where any one dared to breathe a sentiment adverse to the ruler of France? What flag was free? What ship navigated the ocean but under his orders? What commerce was there in Europe, but under his appointment and controul? What soldier, what lawyer, what churchman, what layman, dared to utter an opinion inimical to him? Was not the subjugation, not only of the continent, but of the body and mind of every individual on its surface complete? It reminded him of the condition of humiliated Greece, when the arms of Philip of Macedon were triumphant, and the Delphic Apollo was said, by a distinguished orator of that time, to speak only in the Macedonian dialect. Every where throughout Europe the oracular decisions by which she was governed were French, and to them obedience was paid, due only to divine authority. From these considerations, he hoped that the conduct of his majesty's ministers would be respected and approved; that no proceeding in parliament would tend to sully the glory of this most distinguished achievement; and that nothing would lead the world to suppose that the councils of the nation suspected the purity and honour of this great and saving measure. It would be a source of gratification to the enemy, if he saw that the senate of the land joined in the condemnation he had so hastily determined. This was the severest blow he had felt since he had commenced his reign; on one occasion at least, fortune had not attended his chariot wheels, and in the prosecution of his most favourite project he had been humbled and disappointed. The noble marquis repeated his conviction that his majesty's ministers had, in the case before the house, rendered a great and essential service to the country; and feeling as he did upon the occasion, he must decide against the propositions of the noble duke.

Lord *Hutchinson*.—My lords; I have listened with the greatest attention to the very able and eloquent speech of the noble marquis, but have been unable to extract from it any justification satisfactory to my mind of the expedition to Copenhagen. According to my opinion, the noble marquis has completely failed in proving that Zealand could not have been effectually defended, even if the French were in possession of Holstein and Jutland. I am of opinion, that, even supposing the French to have been in possession of Holstein and Jutland, still Zealand might have been defended with effect against the French arms. My lords, it was my lot to be employed on a very important mission, and I think it the more necessary to say a few words respecting that mission in consequence of partial extracts from my letters having been communicated in another place, by which I have been held out as giving opinions which were never delivered by me. The Russian army in Poland never amounted to more than 70,000 men, with the exception of two detached divisions, amounting to about 30,000. The French troops were estimated at 150,000. From the disasters sustained by the former, and after the unfortunate battle of Friedland, the loss of the Russians amounted to 40,000 men: they lost also 1898 officers, and 29 generals. I was then perfectly convinced that Russia must make peace with France. I believe also that the emperor of Russia was sincere in his desire to mediate, if possible, a peace between this country and France; but, at all events, I then believed that the relations of peace and amity might have been preserved between Great Britain and Russia. The Treaty of Tilsit was signed on the 7th of July. On the 23d of August, my lords, I had a conversation with the emperor of Russia at Kamincostroff. His imperial majesty asked me whether I had not admitted to count Strogonoff, three days after the battle of Friedland, that it was necessary for him to make peace? I told him that I had done so, that I was of that opinion then, which subsequent events had confirmed; that I thought myself bound in justice to him, and to myself, publicly to avow it, which I should continue to do as long as I lived. His imperial majesty said, we are, then, both agreed on the necessity there was to make peace. I answered in the affirmative. His imperial majesty proceeded to state, that he had offered his mediation to England; that he attached no false vanity (*gloriole* was the French word) to the acceptance or rejection of his mediation; but that it was his most sincere and anxious wish that England should make peace, as he was sure that it was his interest, and also that of Europe, and ours, that we should restore tranquillity to the world.—I said to his Imperial majesty, that he had not given sufficient time for England to accept or reject his mediation, because a much longer period than a month must elapse before any answer could be received; and though the disposition of my mind inclined towards peace, I, nor no other man in England would accept it, but on conditions the most reasonable and honourable; that as far as we were concerned, the events of the war had been highly favourable.—To which his Imperial majesty replied, that the time allowed was of no importance, because we might take three or four months, if we pleased, to accept or reject his mediation: but his anxious wish and desire was, that we should make peace. That he had a perfect knowledge of the feelings and character of the people of England; that he had been made acquainted by Buonaparte with the conditions of peace proposed to be offered, and that he had no doubt that even I myself would consider them to be highly reasonable and honourable.—Some confidential conversation followed, which I do not think myself at liberty to disclose, but from what then passed, as I have already stated, I was justified in believing, that the relations of peace and amity might have been preserved between the two countries. It has been stated in another place, that I had given an opinion, that if the attack on Copenhagen had not taken place, Russia would not have gone to war with this country. My lords, I never gave any such opinion, nor do I mean now to say, that if that attack had not been made, there would have been no war with Russia, but I mean to say, that the result of that expedition did materially change the relations between Great Britain and Russia, and give rise to sentiments of a very hostile nature at the Court of Petersburgh. Intelligence of the result of the attack on Copenhagen arrived at St. Petersburgh on the 27th or 28th of August. On the 4th of Sept. I saw the emperor a second time at Kamincostroff. His Imperial majesty began the conversation by asking me, "what I thought of our attack upon Copenhagen?" I replied, that I was entirely ignorant of the circumstances which had occasioned that attack, but that I hoped the administration in England could justify themselves, and prove to the world that the Danes were on the eve of joining all their forces to the French, to make common cause against England.—His Imperial majesty told me in reply, that it was impossible for me to be of that opinion, if I would recollect the repeated conversations which had taken place between us, on the subject of Denmark, at Bartenstein, in which he told me that he had used every effort in his power to bring forward the Crown Prince of Denmark, and to induce him to join the coalition against France; the answers of the prince had always been explicit and uniform, that he had maintained for many years a system of neutrality, in which he was determined to persevere, as the people whom he governed had flourished and prospered under it; and that no consideration should ever induce him to depart from it. His Imperial majesty added, that I must be acquainted with the decision of character which belonged to the Crown Prince, that nothing was so difficult as to shake his determinations, or to induce him to change any line of conduct which he had once adopted; and that he was sure no connection existed between the French and Danish government previous to our attack on Copenhagen.—I then said, that I believed lord G. L. Gower had delivered to his Imperial majesty's minister a Note on the subject; to which his Imperial majesty answered that he had, but that the contents of it were nugatory, as it contained no sufficient explanation, or offer of satisfaction. His Imperial majesty then proceeded to state the great concern which our unjustifiable aggression had given him; that the French government never had done any thing so strong—that it justified every thing they had done or might do hereafter. If such proceedings were admissible, there was an end of all those relations which had usually influenced the conduct of nations towards each other; that every body was at liberty to do just what they pleased, and that he might attack Sweden to-morrow. His Imperial majesty then told me in the most peremptory language, tone, and manner, that he would have satisfaction, complete satisfaction, for this unprovoked aggression. That it was his duty as emperor of Russia to demand it, and that he would have it; and he asked me, whether even I myself would venture to differ with him on that subject? He then said, that he was bound to Denmark by the most solemn treaties and engagements, which treaties and engagements he was determined to adhere to and fulfil. His Imperial majesty then added, that he supposed we meant to make an attack on Cronstadt; he did not know what the event of that attack might be, but this he knew, that he was determined to resist to the last man, and to prove himself not entirely unworthy of filling that high station to which it had pleased Providence to call him. I told his Imperial majesty that I had strong reason to hope and believe, that no attack would be made on Cronstadt. His Imperial majesty said he was prepared for such an event, and had taken his determination upon it, which was that which he had before stated to me. He then closed the conversation, by repeating with much emphasis that "*he would have satisfaction for Denmark.*"—My lords: after such a declaration, is there any man who can say that the attack upon Copenhagen has not had a considerable effect upon the disposition of the emperor of Russia? I must even think that it formed a principal part of the immediate cause of war with Russia; and I will ask if this was not a good cause? The reason it was not immediately declared, I have reason to believe, was that Russia had two fleets at sea, and in some measure in our power.—My lords; I cannot sit down without complaining of the liberties that have been taken by the English newspapers, with the character of the emperor of Russia. While in his dominions I repeatedly experienced the most unpleasant sensations, on perusing the false and scandalous animadversions of our public prints. There was a time, when such unjustifiable attacks would not have been permitted, or would have been punished. To the good faith, magnanimity, and perseverance, of the emperor Alexander, I wish to bear my testimony. I am persuaded that there was not a soldier nor a cannon in all his dominions, that was not called forth in the war. I cannot sit down without solemnly declaring, that our conduct towards Denmark is generally disapproved of on the continent. I declare it in the face of this house and of all England, and under this conviction I shall certainly give my cordial vote for the motion of the noble duke.

Lord *Erskine* contended, that not only the papers moved for by his noble friend ought to be produced, but also whatever information had been received respecting the naval preparations of Denmark, or the intentions of that power to join in a maritime confederacy against this country. This was information which, he concluded, would not be produced, because no such information had been received, and thus the house was to be left without a single document to support the extraordinary, unprecedented, and unjustifiable measures against Copenhagen. The consideration of the hostility of Denmark was now wholly put out of the question, and the act was defended on the ground of the law of nations. But he would contend, that no precedent for such a measure was to be found in the history of Europe. It was by the principles of the law of nations that the conduct of ministers was to be judged; they were not then called upon to approve or condemn the thing, or its authors; they wanted information merely to enable them to form a judgment. If any thing could give delight in reading the history of civilized nations, it was the progressive improvement that was to be traced in law and civilization amongst the nations of the world. This was the first instance in which the principles of that amelioration had been trampled upon by us. Revolutionary France was the first to violate those principles, and in support of them and for our security, we had carried on a war against that country at the expence of 200 millions of money. France then made the Treaty of Pilnitz her pretext, as this country now did that of Tilsit. France gave then no evidence of such a treaty, neither did ministers now. He had opposed the government in the late war, not because he condemned the principle, but because he did not think that the war would accomplish its professed object. He opposed the war upon that ground, though it was supported by the matchless eloquence of the minister who then presided over his majesty's council—an eloquence which far exceeded any thing that had ever been exhibited in any assembly of a civilized nation. This country had always put itself forth as the conservator of the peace of the world; and well she might, standing as she did upon a rock, inaccessible to the common enemy. If she had persevered in her honourable career, the tyranny of the continent would go when the tyrant was gone. What would have been the opinion of other nations of this illustrious country, if she had made sacrifices and encountered risks in adhering to her old principles? So far from gaining security by abandoning them, she exposed herself to ruin. In his opinion, the law of nations had been violated, and he should explain his notion of the matter by a very simple illustration. If a fire were to break out in the Haymarket, it would be justifiable to pull down an adjoining house to prevent the spreading of the flames; but a man would be by no means justified in pulling down his neighbour's house, at Hyde Park Corner, lest the conflagration should reach his house; still less on a rumour of such a fire, when no fire had taken place in the Haymarket, or on a report alone that some malicious person intended to set the house there on fire. He would prefer that France had the Danish fleet, rather than we the enmity of the Danish people. Ministers thought they had got rid of danger, but they had got into the midst of it. The conduct of the English in the massacre of all the Danes on the report of an invasion by Swein, recorded in the first volume of Mr. Hume's history, was an analogous case. The invasion did take place which had not been before in contemplation, and a dreadful retaliation was the consequence. If the fact was that Denmark was hostile, we should have encountered and beat her manfully. He ridiculed the idea of ministers taking away so many useless ships, and christening them anew, as the Gypsies did children whom they had purloined. If we had carefully avoided imitating France, if we had observed principles pure and uncontaminated, England would be now looked up to as the shield, the disinterested protector, and the saviour of Europe; and the nations of the earth might expect to have their chains broken. But ministers had no rules of right but their own opinion. They did not even deign to consult parliament. He compared them to an unfortunate party in a court of law, who, from the total want of papers, documents, and proofs, by which he had hoped to have established his point, finds himself in the disagreeable predicament of being non-suited. He considered this as the greatest cause that ever was, or could be, agitated in an assembly of the civilized world. From the unfortunate proceedings that were had recourse to, we could neither derive security, satisfaction, nor honour.

Lord *Boringdon* defended the expedition to Copenhagen, on the grounds of the evident intention of France to obtain possession of the Danish fleet, and the inability of Denmark, as well as her disinclination, to resist; nor did he see on what grounds noble lords on the other side could condemn the expedition to Copenhagen, without also condemning the expedition to Constantinople, and the Instructions alleged to have been issued to a squadron sent to the Tagus. The noble and learned lord who spoke last had compared together the Treaty of Pilnitz and the Treaty of Tilsit; the former, it had been formerly stated by a noble lord (Grenville) on the other side, then in office, had no existence; could it for a moment be contended that the Treaty of Tilsit had no existence? [Lord Erskine said across the house, he meant the secret articles.] The secret articles were also clearly established. With respect to the offer of Russia to mediate, it had been said by a noble lord on a former evening, that a mediator was not an umpire. Upon this subject, however, he would quote the authority of an able diplomatist, he meant M. Talleyrand, who, in a report to the

French Senate, expressly states, that the ground of refusing the offer of Russia to mediate between France and Austria was, that she was too much a party in the cause to be an impartial mediator. He was so fully convinced from the information which had been communicated, and from the evident state of Europe, of the wisdom and policy of securing the Danish fleet, that he thought ministers, if they had not resorted to that measure, ought to have been arraigned as criminals at their lordships' bar.

The Earl of *Buckinghamshire* rose to give his support to the motion of the noble duke, on account of the extraordinary predicament in which parliament was placed. He conceived, that it never before had happened, that the nation had been engaged in a new war, without the precise ground upon which hostilities had commenced being stated to parliament: whereas, upon the present occasion, the house was not merely without information as to the specific cause of the war; but his majesty had been advised, both in the Declaration in Answer to the Russian Manifesto, and in the Speech at the opening of the session, to declare a cause for the war with Denmark, which his ministers upon their legs in parliament had been obliged to relinquish.—In the answer to the Russian Manifesto, the expression made use of by his majesty was as follows: "His majesty feels himself under no obligation to offer any atonement, or apology, to the emperor of Russia, for the expedition against Copenhagen. It is not for those who were parties to the secret arrangements of Tilsit, to demand satisfaction for a measure to which those arrangements gave rise; and by which one of the objects of them has been happily defeated." And again, in the speech at the opening of the session, it was stated by his majesty's commissioners, that "they are commanded by his majesty to inform you, that no sooner had the result of the negotiations at Tilsit confirmed the influence and controul of France over the powers of the continent, than his majesty was apprized of the intention of the enemy to combine those powers in a general confederacy, to be directed, either to the entire subjugation of this kingdom, or to imposing upon his majesty an insecure and ignominious peace."—The noble earl then proceeded to shew by dates, the accuracy of which, he said, could not be questioned, that the expedition against Copenhagen had actually sailed before there was a possibility of any account, even of the existence of the Treaty of Tilsit, being received in this country;—that it was not a question as to what the articles might have contained, whether they were more or less hostile to our interests; but, the actual conclusion of any Treaty could not have been known.—Under these circumstances his majesty's ministers had been driven to the necessity of finding out other reasons for having commenced hostilities; involving themselves in the strange inconsistency of advising his majesty to assign to Europe and to his parliament a cause of war, which they had totally abandoned in their attempt to justify the measure.—The noble earl said, that even if the constant practice of parliament did not warrant the expectation of official documents being laid upon the table, for the purpose of explaining the ground upon which the country was plunged into a new war, the circumstances he had stated rendered it indispensibly necessary, in this instance. He considered it the more requisite to furnish the fullest information, because the honour of the country was deeply involved in the transaction. The attack of a power, in perfect amity with us, against whom no act of hostility had been alleged, was in itself so questionable a proceeding, that it called for every explanation that it was possible to produce in its justification.—Under circumstances somewhat similar, what was the conduct of the great king of Prussia? Their lordships would recollect, that during the seven years war he had suddenly marched an army into Saxony, and taken possession of Dresden, the capital of the elector:—but he had not felt that he had done enough to satisfy the world by declaring that he had procured copies of the treaty actually entered into by the king of Poland, then elector of Saxony, for the partition of his dominions; for, having afterwards obtained possession of the original treaty, he published it at every court in Europe, in order to render his justification complete.—The noble earl said, he had understood, that it was intended to adduce this precedent in favour of the attack upon Copenhagen, but it was now sufficiently evident, that it would not have answered the purpose, as in the one case there was a positive act of aggression on the part of the power attacked, and in the other, no alleged ground of complaint.—He had listened to the noble marquis (Wellesley) with the utmost attention. He had the greatest admiration of his talents, and affection for his person; and if the eloquent speech he had delivered had failed to carry conviction to his mind, he must believe that the opinion he had formed was not to be shaken. There was one part, however, of his noble friend's statement, which he must acknowledge was calculated to make a considerable impression; but which, upon examination, would be found untenable. Having nearly abandoned the idea, entertained by many persons who had not taken the trouble to inquire into the subject, of the practicability of an army with stores, ammunition, and cannon, equal to the capture of such a place as Copenhagen, passing upon the ice from Holstein to Zealand, he had stated, that boats might easily be obtained by the French, and the passage of the Belt effected, in ordinary seasons; for that, in the straits which separated Zealand from the continent, there were no tides; and that the floating masses of ice, when driven by the wind, had such an effect, that no cruizers could keep their stations; and that it frequently happened, that when driven off, they were not able to regain them for many weeks. To this statement, the noble earl said, he would oppose the opinion of the highest naval authority (lord St. Vincent's) in this, or in any other country; and upon that authority he would venture to assert, that, so far from cruizers not being able to keep their station in the Belt in ordinary seasons, the anchorage was so good as to render it perfectly practicable; and, by placing gun-boats upon the coast ready to put off, any armament unsupported by a superior naval force might be effectually resisted.—The noble earl said, he was aware, that during the late attack upon the island of Zealand, some few vessels had got over, notwithstanding the vigilance of our cruizers; but the number was so small, as rather to furnish an argument in favour of his statement than against it.—His lordship declared, that no man entertained a higher opinion of the officers employed upon the expedition than he did. He knew their merits, and with many of them had lived in habits of friendship and intimacy; but, if with such a force as was then sent, both naval and military, considering the unprepared state of the Danish government to meet it, there had been so much difficulty to surmount, as was represented upon the motion for the Thanks of Parliament to those officers, what must be thought of the power of the Danes to defend Zealand, with sufficient time for preparation—the 25,000 men withdrawn from Holstein, in addition to the 35,000 which, by the report made to his majesty's ministers, were actually in arms upon the island? Whatever zeal for the public interests, professional knowledge, and a gallant spirit could effect, he was persuaded those officers would have accomplished; but their services must have been greatly exaggerated if the Danes could not prevent Zealand from falling into the hands of France, with all their resources applied to that purpose—60,000 men in arms, and a naval force, with which France could not provide the means of contending. His noble friend had stated, that Buonaparte had declared at his levee, that the fleets both of Portugal and Denmark should be united against this country; and that he seldom failed to execute his purposes, so publicly announced. That such a declaration might be considered as an indication of the real designs of Buonaparte, he was ready to admit;—but, had he succeeded in the case of Portugal? and he was persuaded he would equally have failed in that of Denmark, though the custody of their own ships had been left to the Danes themselves.—Upon an attentive consideration of the whole of this subject, he was decidedly of opinion, that it was not only the interest of the court of Copenhagen, but its settled policy, to maintain a system of neutrality. But it was not surprising, that, with such a government as that of France to deal with, the necessity of temporizing, to an extent that might sometimes appear unfriendly to this country, should occasionally arise;—and the more especially, when it would be recollected, that the continental possessions of Denmark were in the power of Buonaparte whenever he might be disposed to take measures for their subjugation. It did not however follow, that because it might have been expedient for the Crown Prince to pursue that policy, in the hope of retaining those possessions, that he would have carried it to the extent of surrendering into the hands of the French emperor his navy; the real source of his strength, and independance: a surrender, that must inevitably have led, in a very short time, to the ruin of the commerce, and the loss of the colonies of Denmark. In truth, the honour, the spirit, and political steadiness, which had distinguished the Crown Prince, all led to a different conclusion; and his lordship said, he was thoroughly convinced that his royal highness had the means, as well as the disposition, to defend his maritime independance, even if he was not allowed to maintain that system of neutrality, in which it certainly was his interest to persevere. It had not been pretended that Denmark had manifested a hostile disposition towards this country: on the contrary, his majesty "had lamented the cruel necessity which had obliged him to have recourse to acts of hostility against that nation;"—attributing the measures he had reluctantly taken to the designs of France, under an idea, as expressed in his majesty's Declaration of the 25 of Sept. (p. 115.) that, "Holstein once occupied, the island of Zealand was at the mercy of France, and the navy of Denmark at his disposal."—To this proposition the noble earl said, he must dissent, for the reasons already stated. After the able speech of the learned lord (Erskine) he felt no inclination to enter into the discussion of the law of nations, as connected with this question. He would however observe, that he thought the reasoning inconclusive, which attempted to bring the seizure of the Danish Fleet within the principle of self-preservation. The idea of a northern confederacy, combining all the naval force of the Baltic, had indeed been held out to alarm the country, and to swell the danger which the measures that had been adopted were intended to avert; whilst the real fact was, as it would appear upon a close view of the case, that of this supposed combination of naval force, Sweden was with us, the Baltic fleet belonging to Russia completely in our power, and therefore the Danish fleet (even if at the disposal of France, which at least was questionable,) the only danger against which we had to provide; and this, his majesty's ministers would represent to the country to be so imminent, as to justify measures which, but for the French revolution, would be without precedent, and which his lordship said, he could never admit to be of a magnitude to warrant the application of the principle of self-defence, as laid down by any author upon the law of nations.—Without inquiry into the particulars of the secret arrangements entered into at Tilsit, war with Russia became probable from the moment that treaty was concluded; and the strong apprehension it excited in the minds of his majesty's ministers of a northern confederacy, at the head of which the emperor of Russia had agreed to place himself, rendered it their duty to take precautionary measures against that power. It had been said however, that the Russian people were friendly to this country, and that an attack upon Cronstadt would have had an injurious effect upon their feelings; and this was an argument brought forward by those who could resolve to attack the unoffending Danes, and "inflict all the horrors of a besieged and bombarded capital upon the innocent inhabitants." But even supposing that it was not advisable to meddle with the few hulks left at Cronstadt (and it had been stated by high official authority that there was nothing else there), why, under the circumstances of danger, upon which alone our conduct was defended, were the Russian ships of war that passed through our fleet in the Baltic, and the Russian squadron in the Mediterranean, suffered to escape? By taking possession of the latter, we should have facilitated the negotiation then depending with the Turks; and with such an instrument in our hands, we might safely have trusted to the mediation of the court of Petersburg; whilst at the same time, by a strong naval force in the Baltic, we should have protected Sweden, have enabled Denmark to maintain her neutrality, kept open the Sound, and thus effectually have disappointed the expectations Buonaparte had formed from the influence he had acquired over the emperor of Russia. By such a course, we should have commanded the respect, instead of drawing upon us the enmity, of all Europe. But above all, we should have avoided the abandonment of those sacred principles of justice and honour, by which the conduct of our government had been so advantageously contrasted with that of France; we should have kept alive that hope, which, under all the pressure of the times, had animated and encouraged a large proportion of the community of this country;—that the atrocious and profligate principles of the French government must lead to its destruction, and that to whatever difficulties and dangers we might be exposed, by the vicissitudes of war, the hand of Providence would ultimately be stretched forth for the protection and security of the British nation.—His lordship concluded by saying, that in his view of this transaction, we had comparatively gained little in point of strength but lost every thing in point of character; and he was apprehensive we should deeply lament the day, when the people of England had been taught to receive the spoils of Copenhagen as naval trophies,

"Turno tempus erit, magno cum optaverit
emptum
"Intactum Pallanta; et cum spolia ista,
diemque,,
"Oderit!"———

Under all these circumstances, the noble earl considered it his duty to support the motion of the noble duke; not only, because an adequate justification of the attack upon Copenhagen did not appear to have been made out; but, because the house was not in possession of sufficient documents to give authority and effect to its proceedings.

Lord *Harrowby* feared, if the noble earl had not been convinced by the arguments urged with so much force and eloquence by the noble marquis, that he should fail to convince him: he thought it his duty, however, shortly to state the grounds of his own opinion. The intentions of France, with respect to Denmark, and the ability of the latter power to resist, appeared to him so evident, that he thought ministers would have been highly culpable, if they had not resorted to measures to secure the Danish fleet from the grasp of the enemy. A learned and noble lord (Erskine) had rested great part of his arguments against this measure on the law of nations; but if one belligerent power set aside the law of nations, and substituted its own law to which neutrals chose to conform, another belligerent power had a right to treat those neutrals in the same manner as they suffered themselves to be dealt with. If one power acted in defiance of the law of nations, and could not be coerced into an observance of it, that law which had been established by common consent, was for the time abrogated, and another power ought not to be bound by it to its own detriment. In this point of view, and with the situation of Europe before our eyes, he considered the justification of the attack on Copenhagen complete, nor did he want further documents to prove its necessity. It required a much broader principle to support the expedition to Constantinople, which was undertaken solely for Russian interests. The object of the expedition to Copenhagen was to avert a danger from this country. He could readily conceive that many of those who supported the expedition to Copenhagen, might object to the expedition to Constantinople, but he could not conceive upon what ground those who supported the latter could object to the former.

The Earl of *Moira* said, that he had some difficulty in persuading himself, when the noble lord was speaking, who had just sat down, that he was in a British house of parliament. All excuses he found were now given up, for a dereliction of those high principles of national honour which it had long been our boast and our glory to maintain inviolate, and the only apology that was pleaded for the commission of an act which had left an indelible stain upon our character, was, that it was matter of mere speculative convenience. Much had been said, though in his opinion but little to the purpose, of the hostile intentions of the present ruler of France. No one doubted of those intentions; but where was the evidence that there was any collusion on the part of Denmark; and unless such collusion was proved, how were we to be justified for venting upon Denmark the hostility which we owed to France? Putting this consideration, however, wholly aside, it had been said that it was merely possible that the Danish fleet would have fallen into the hands of Buonaparte, had not we intercepted her views. It appeared likewise to him, that the grounds upon which this supposition rested were altogether improbable. Denmark had uniformly preserved a strict neutrality between the belligerent powers; and there was no reason to think that, on the present occasion, she would deviate from it. Her army had taken a strong position in Holstein, the moment the French troops entered Hanover; and he had not the smallest doubt that, had she been attacked, she would have defended herself with gallantry and perseverance. He never could bring himself to adopt, or in any way to countenance, the cold-blooded speculation of those who inferred, from the inferiority of the Danish force in point of numbers, that therefore she must have been conquered; as if bravery was not paramount in every contest to mere numerical strength. Those who reasoned in this way would have considered our ancestors who fought and conquered at Poictiers and Agincourt as fools and ideots. The Danes might not indeed have been able to save the provinces of Holstein and Jutland, but had they not the island of Zealand to which to retire, and whither it was impossible for their enemy to follow them? No inference, he contended, could be drawn from the passage of a few individuals, in favour of the possibility of conveying an army across the Belt, particularly when it was considered that they would have had the assistance both of a British and a Swedish naval force to guard the passage. But even supposing that Buonaparte had acquired by some means or other the Danish fleet as an accession to his strength, he had no hesitation whatever in declaring, that he would rather have seen double the number of ships that their fleet consisted of in his power; than that we should have obtained it by the means by which it had come into our possession. As long as there was a power in Europe which, from its regard to justice and to the rights of other states, could form a sort of rallying point to the oppressed, there was some probability that the nations who were groaning under the yoke of a pitiless and inexorable tyrant, would have watched for some opportunity, and made some exertion in common to throw it off. Such a power was this country, previous to the late most unjustifiable and unfortunate attack upon Denmark; but by this attack that hope had been compleatly extinguished. A noble lord had said that war was always a scourge, meaning by this to class the present among the ordinary measures of hostility, whereas he asserted, that this was hardly to be compared with any other aggression, because it poured destruction upon the innocent as inevitable as it had been unprovoked. The minister who signed the order for the expedition should, before affixing his name to the fatal instrument, have reflected on the distraction of mothers on seeing their mangled infants, and the distress in which it was to involve thousands who were guilty of no offence. It had been said, indeed, that these calamities were the effect of resistance, but who could blame this resistance, or did not the Danes, from this very circumstance, particularly recommend themselves to the respect of a generous enemy?—It was attempted, too, to justify the expedition from the hostile spirit which actuated both the government and people of Denmark against this country. But if this hostile spirit was not to be cured by other means than by bombarding their capital, why did they not also demolish those fortifications which enabled them still to shut the Baltic against our navigation? Why did they leave their batteries and the castle of Cronstadt standing? Why did they thus forget their object, and leave their business half finished? Again, they pleaded necessity as an apology. If necessity here meant any thing at all, it was a strict necessity which never had been proved: and if by necessity was intended to be denominated only a higher sort of expediency, the same plea might be urged in excuse of any expedition, however rash, however cruel, however brutal; for who was to draw the line between what really came under this description, and what did not? A noble marquis had talked in high terms of the fortitude of the nation, and of the importance of its shewing itself firm and determined in the present crisis; but where was the fortitude of the government when it could be frightened into an act equally incompatible with its honour and interests by the existence of sixteen miserable, paltry ships in the port of a neutral power? The nation had long been distinguished by its fortitude and magnanimity in the midst of danger, and in those qualities it was no more deficient now than at any former period, but it was not by such a pitiful resource as that which had been resorted to in the present instance, that this spirit was to be kept alive. If we had any thing to fear from Denmark, was it enough to have warded off the danger for one year? he said for one year, for had we not left them in possession of their docks, in which they might soon build other ships, and had they not the same number of seamen they ever had, with which to man them? He solemnly assured their lordships of his firm conviction, that the present measure had brought us nearer to ruin than any, of which any administration, however marked either by temerity or improvidence, had ever been guilty, because it had disaffected every power in Europe to our cause. Its effects were soon visible in the disposition of the Court of Russia, and in the minds of the Danish people it had planted the seeds of irreconcilable enmity. He concluded with conjuring the house to vindicate its own character and that of the country, from the reproach that had been cast upon it. The silence of the nation, he assured their lordships, did not proceed from apathy; they looked to parliament for their justification, and if parliament suffered the business to pass without investigation, it would give rise to serious and general discontent.

The Earl of *Limerick* was well pleased that ministers had not rested their defence upon private information, lest they might, when goaded in debate, or taunted by sarcasm, be tempted to imitate a precedent which was more honoured in the breach than in the observance. He had listened with great attention to the speech of the noble lord, on the other side (lord Hutchinson), for whose talents no person entertained a higher respect than he did, but did not feel his opinion in the least degree altered. However it might gratify the curiosity of the public to have great potentates introduced into these discussions, and private conversations with such eminent personages detailed, he would appeal to their lordships, whether such a course was wise? What difficulties might it not impose upon future negociators, with whom foreign princes would not be inclined to communicate, lest their conversations should be similarly made public? This was likely to be felt in any future negotiation, for we were not to be for ever at war with all the world. As to the expedition to Copenhagen, that was fully justifiable, because he could shew, that from the commencement of the last war, the Danes had been hostilely disposed towards this country. They had encouraged and allowed privateers and enemies vessels to carry their prizes into Bergen, in Norway, and to sell them there, condemned in a court formed by the French consul at that port. In the year 1798 his majesty's ministers felt the interests of this country so affected by the conduct of Denmark, that they sent instructions to our minister at Petersburg, to intreat of that court to join its remonstrances with those of our minister at Copenhagen, to procure an alteration in the hostile behaviour of Denmark. Such also had been the opinion of the Russian court relative to the sentiments of that of Copenhagen, that when sending a fleet and army to co-operate with the allies, it was apprehended that the Danes would have attempted to prevent them from passing the Sound, in which event the Russian commander, by secret orders, was directed to land the troops and attack Copenhagen. The conduct of Denmark had been equally suspicious during the last 20 years. If the 16 ships of the line, which he understood were in the ports of Russia, were added to the 20 belonging to Denmark, there would be no doubt that the 36, whatever might be the gallantry of the king of Sweden, would have forced his twelve sail of the line to co-operate with them. The noble earl could not look upon a fleet like that as an inconsiderable force, especially in a port so convenient for the invasion of Ireland, by the passage north about. As to the state of Ireland, he could assure their lordships, that the people of that country were no longer divided by religious prejudices, and would be ready to defend their country against any invader. They understood too well, what a conquered people had to expect from the French despot, not to be prepared to risk every thing in the defence of their country. There were still a few of the Jacobin faction in the country, who were ready to do any mischief, and it was not to be wondered at if they had succeeded in seducing a few deluded peasants to join them in their riotous course. The great body of the nation was sound and loyal, and a French invading force would in no part of the empire meet with a more general or determined resistance.

The Earl of *Jersey* contended, that there was no reason whatever to believe that Denmark had entered into any alliance, or that she even had any secret understanding with France, previous to our attack upon her capital. No such inference could be drawn from the quantity of stores found in her arsenals, because there had not been time to collect those stores between the period at which the treaty of Tilsit was concluded and the date of our invasion. And it was worthy of remark, that no movement hostile to us had been observed during that interval. It was rather extraordinary, that so many scruples should be found to the production of the papers now moved for, in a quarter where no great delicacy had been observed on other occasions, in the publication of official papers, and that those ministers who had so imprudently disclosed the dispatches of sir Arthur Paget, from Vienna, and who had commenced their career with divulging the secrets of cabinets, should now withhold information which was essential not only to their own justification, but to the satisfaction of the country, upon a question in which the national honour was so deeply interested.

Lord *Hawkesbury* said, there never was a debate in which he would have wished more to have heard every thing that could have been said on the other side, before he delivered his own sentiments; but he felt it necessary for him now to state the reasons which induced him to agree with his noble friend in rejecting the motion which had been made. He was called upon to state those reasons by every principle and feeling which he held dear—by the share which he had taken, in conjunction with his colleagues, in advising the measure—and particularly from the ground on which he had heard it attacked. He had heard it called an abandonment of every principle of morality and justice. He would willingly spill the last drop of his blood, rather than advise the country to abandon those sacred principles; but he was prepared to shew that they had not been abandoned or violated. He felt a very considerable difficulty taken off from him by the able manner in which the cause, not so much of ministers as of the country, had been already maintained by different noble lords, but particularly by the very eloquent, argumentative, and impressive speech of his noble friend (marquis Wellesley). The noble baron (lord Hutchinson) had compleatly mistaken his noble friend, when he supposed him to have contended that it was justifiable to depart from the general principles of morality. He thought that it was the best way to make some observations on those general principles, before he spoke of the facts of this case; and he believed, that if they clearly understood each other, it would be found, that there would be no great difference with respect to the principles themselves, but that the doubts would be merely upon the facts, and their application to those principles. He should contend, in the first place, that in the expedition to Copenhagen, there had been no violation whatever of the principles of the law of nations. The best writers who had written on the subject of the law of nations, defined it as arising from the law of nature, and it was allowed, that whatever would be justifiable among individuals, if they had no superior tribunal or jurisdiction to appeal to, was justifiable between nation and nation. This law of nations, founded directly on the law of nature, had been in some respects modified by particular treaties or by the habits and usages of mankind in civilized society. The modifications, however, arising from treaties, as from customs, must be governed by the consideration, whether the other parties adhered to those treaties or usages. If they did not adhere to them, the question must be referred back again, not to the law of force, God forbid! but to the natural law. The first principle which the law of nations inculcated was self-preservation, combined with benevolence and good-will to our fellow-creatures. Self-preservation, which was the strongest of all principles, justified an individual in causing the death of another, and that not only upon general principles, but even by the municipal law. If, then, we were to compare this act with what the law of nature would justify among individuals, we might suppose an individual, who had waged a general war against the human race, who had broken down every thing which was most honoured among mankind, who had subdued whatever was most strong, who had vowed our destruction, and to effect it only wanted those arms which were in the hand of a weak man, who, if he had the disposition, had not the ability to prevent him from seizing them: suppose this powerful individual declaring his intention to get those arms, and taking measures, was there any thing in the law of nature or reason to prevent our depriving this weak man of a weapon, which the powerful man would have wrested from him to use it to our destruction? If no man could deny that an individual would in such a case have a right to act in that manner, why had not a nation? The law of nations was nothing different in this respect from what would be the law of nature among individuals, who had no common judge, or no superior tribunal to appeal to. If he should be able to prove, that there was such a measure of self-preservation and urgency as to justify the measure, it would be confessed that it was executed in the mildest manner possible; and that this country had put forward no greater degree of force and violence, than was absolutely necessary to accomplish those objects which appeared to his majesty's advisers to be of the most urgent and indispensable necessity.—In stating the grounds upon which he considered the measure to be strictly justifiable, he should resolve them into the following heads: 1. Whether the house believed that there was a design on the part of the enemy to form a great maritime confederacy against this country, and to lay hold of the fleet of Denmark to effect this purpose; 2. Whether it was practicable for him to carry this design into execution, either by absolute force or intimidation; and, 3dly, Whether the object was of sufficient magnitude and importance to justify a deviation from the ordinary rules of proceeding. On the first point, as to the intention of Buonaparte, there could be little or no doubt. At the time of the signing of the Treaty of Tilsit, no one entertained a doubt but that it was his object to oblige all the maritime powers to join in a great confederacy against our commerce and our very existence as a nation. He never concealed that such was his intention. It was expressly stated in the French bulletins, and in many of the official papers. It appeared not only from these written documents, but from his practice. In his treaties with Mecklenburgh and Oldenburgh, as well as with Prussia, the exclusion of the British navy and commerce from all their ports was expressly stipulated. The justification of Prussia upon the subject, was, that it was not a particular measure with respect to her, but that it was a part of the general system of the continent, to which they were obliged to conform. Besides these general grounds which were, however, sufficient to remove every possibility of doubt, his majesty's ministers acted from positive information which they had received, of the designs of France to force the navies of Denmark and Portugal to act hostilely against this country. Very shortly after his majesty's present ministers came into office, they sent 10,000 men to Pomerania, to assist the king of Sweden, and had a fleet and considerable body of troops to send afterwards to the Baltic, as reinforcements to the cause of their ally. Before the sailing of this fleet, that information arrived which determined them to direct this force against Copenhagen. It was not unusual for parliament to act upon a fact distinctly stated to them by his majesty's ministers; but, in the present case, all the confidence which ministers required was, that parliament would believe them when they stated, that they at that time knew the fact, which every body knows at present, and of which there could not be a doubt. They had received the most authentic information from Portugal, that that country had been invited into a general confederacy against us, and to join her navy to that of Denmark and the other continental nations. A short time afterwards, the French minister at Lisbon, by a note dated the 12th of August, positively required that Portugal should make war against England; that she should seize the persons and properties of all Englishmen in Portugal; and that they should join their fleet to that of Denmark and the other continental powers. Was there any body who could believe that Denmark alone was to be excepted from the nations of the continent, whom the French emperor wished to force into this general confederacy?—The next point was, the practicability of accomplishing his object. In considering this, it was necessary to consider the situation of France, after the battle of Friedland and the treaty of Tilsit. All the great continental nations then lay prostrate at the feet of France. She had conquered, separately, Austria, Prussia, and Russia, and there was nothing existing on the continent to which Denmark could look for the slightest support. This was a situation of things which never before existed on the continent. When Austria was in its greatest prosperity, when Lewis XIV. was in the full tide of his success, still there were strong powers left in Europe to which a weaker nation might look for support; but after the treaty of Tilsit there was nothing of that sort. This was a situation of things which the most eminent men who wrote in former times upon the law of nations, never did, nor ever could have taken into their contemplation. As to the power of Denmark to resist the attempts of France, it was evident that an attack upon Zealand was not necessary, in order to induce her to join with France, especially when that power was in good understanding with Russia. The Crown Prince himself confessed, that in 1801, Denmark had no alternative but to yield to the demands of Russia; how, then, could it be supposed that she would now be able to oppose not only Russia, but France? It had been argued, that even if the French armies had occupied Holstein and Jutland, they could not have crossed the Belt, or invaded Zealand. To this he must answer, that he had the highest military authorities for supposing that the invasion of Zealand from Holstein was very practicable. His majesty's ministers had put it specifically to several military as well as naval authorities, whether, if the French were determined on the invasion of Zealand, they could find small craft enough in Holstein to convey a sufficient number of troops; or whether, if they were to divide their army into four or five divisions of 5 or 6000 men each, one of those bodies at least might not cross the Belt, and effect a lodgment in that island? The answer was, that they could get craft, and probably cross the Belt in the manner mentioned. At the late siege of Copenhagen, government employed an admiral as high in professional character as any man in the service (admiral Keats); and yet with all his activity and skill, he could not prevent a considerable number of Danish troops from actually coming over from Holstein. The Belt being but 16 miles wide in the broadest place, and much narrower in others, it became very difficult for the squadron to remain there in safety in the long dark nights. A noble baron had, on a former night, stated the passage of the Belt as equally difficult with that of the passage from France to England; but besides that it was considerably narrower, there was another most material circumstance, which the noble lord appeared to have entirely lost sight of. He had forgot to compare the resources of England with those of Zealand. For his part, he had never heard a doubt among naval men, that if the object of France was merely to push over a body of 10, 15, or 20,000 men into this country, it might be done; but when the question was of landing such a body of men as would be capable of making a serious impression upon this country, then it was very seriously doubted, whether from tides or other circumstances, it would be possible to land such a body as would have the slightest chance of success in England. In Zealand, however, the case was very different. If the French could push over 10, 15, or 20,000 men into Zealand, they would probably be masters of the island; for although the Danes would fight with great courage at sea, their army had the character of being one of the worst in the North of Europe. The analogy, therefore, of the noble lord completely failed, unless he could make out some resemblance between the resources of Zealand and those of England. The Danish resources alone could not defend Zealand from France, and it was not to be expected that they would have called for a British force to protect them. It would not have been necessary for France to have invaded Holstein: her bare menace would have been sufficient to influence the determination of Denmark. If, then, there was a danger of France possessing itself of the maritime resources of Denmark, this was a danger which ought to have been immediately counteracted, or it would have been too late. If ministers had delayed a fortnight, or perhaps a single week, the object of the expedition might have failed.—As to the third point, the magnitude of the object for which the expedition was ordered, he must consider 16 sail of the line, in so advanced a state of preparation, as a most important object. His majesty's ministers had received, from time to time, the most distinct information with respect to the state of equipment, and after the capture of Copenhagen it was found that six weeks were sufficient to prepare them for sea, and embark all their stores. He had heard those ships called old hulks; and it had been stated, that they never could have been brought to sea for the purpose of invading this country. The answer, however, to this was, the fact that they did put to sea in a very tempestuous hour, and did arrive in the ports of England with very little damage, and therefore they might have reached the shores of England equally if they had been in the possession of the enemy. As to their quality, whether they were a little better or a little worse, they would have employed at least an equal number in blockading them, if they had been in the hands of the enemy: or rather, they would have required many more than an equal number, according to the system of continued blockade. When the invasion of this country was talked of, there were two modes usually pointed out—an invasion by ships and by a flotilla; and it was now generally supposed that a flotilla could not effect its purpose, unless convoyed by a strong fleet of ships of the line. The taking of the Danish fleet added security to the country in two ways. It first prevented them from being applied to the purposes of invasion; and, 2dly, it prevented the necessity of employing a considerable number of ships to watch them, which could only be had by withdrawing them from other services, and thereby weakening our security somewhere else, either in our colonies or our commerce. A noble lord (Hutchinson), had stated, that our attack on Copenhagen had excited a general feeling of odium and disgust all over Europe. He was sure that the general and prevailing feeling on the continent was the dread of France, although they did not every where dare to express it. He should ask, however, in what part of Europe that was free from the power of France, was this odium and disgust manifested? Was it in Sweden, where the king still preferred the alliance of England? Was it in Portugal that this odium was excited, whose court continued its confidential intercourse with us after that period? Or, he might even venture to ask, was it in Russia? for there he was informed, that much the greater number of people considered the expedition as a necessary measure of self-defence on the part of this country. Those nations who were under the domination of France were obliged to express whatever sentiments were prescribed for them; but if one was to take the public feeling of Europe from those nations that were not yet entirely within the tyranny of France, he believed it would be found that the Expedition had not produced that odium and disgust which had been stated by the noble lord. As to the conversation which the noble lord had mentioned, of the 4th of Sept. he had never heard of that conversation before, nor were ministers at all aware of it. The common safety of the globe required the measure which had been adopted. Nothing prevented France from acquiring universal dominion but the naval power of Great Britain. It alone formed the security of America, Europe, Asia, and Africa. His majesty felt that he owed to his subjects the step he had taken. It was, indeed, no ordinary step; but was it an ordinary situation of affairs, when we ourselves were the only independent power in Europe? Two sources of the power of our enemy were to be the navy of Denmark and the navy of Portugal. They were both happily removed out of his grasp. He had told us that he was resolved to have 'ships, colonies, and commerce.' And to effect this end no power in Europe was to be allowed to remain neutral. Those who contemplated, as they ought, the power of France, and considered, at the same time, that personal safety was the first law of nature, must agree that his majesty's ministers had averted the danger which seemed to threaten the country, with as much mildness as the case would admit of.

Earl *St. Vincent* declared, supposing for an instant, Zealand and the Danish navy to be in the possession of Denmark, and the French to be in possession of Holstein, that he should think it more practicable to invade this country from Boulogne, than Zealand from Holstein. As to the situation of the Danish fleet, it seemed to his lordship to be exactly what it was when he first knew it about eight and forty years ago. Having been employed by the late government in the expedition to the Tagus, he was prepared to say, that there was no resemblance whatever between the conduct that would have been pursued in that case, and what had been followed in the present.

Earl *Grey* said, there never was a question in this or the other house of parliament, of more interest to the country than the present; nor one which more strongly affected the honour of the nation in the eyes of the whole world. So far from thinking the measure justified by what had fallen from the noble lord opposite (Hawkesbury) in the latter part of his speech, in which he had held it out as something which had saved the country from ruin, he remained satisfied, after the most deliberate consideration he could give the subject, that so far from adding to the safety of the country, that point on which its safety most particularly depended, he meant its honour, had not only been greatly weakened, but had in fact received a mortal stab. The noble lord had treated it as a question of necessity, arising out of that first of all duties, self-preservation. In that view of the subject, his lordship should attempt to follow him. He had endeavoured to make out three propositions: 1st, that the object of France was to collect as great a force as possible for the annoyance of this country; and that the navy of Denmark was part of the force, so destined against us; 2d, that it was practicable for the French government to force Denmark into this measure; and, 3rd, that it was a scheme of so much danger to us, as warranted us in adopting, nay, as rendered it absolutely necessary for us to adopt, the measure in question. As to the first, his lordship was free to admit that there could be little doubt of the anxiety of France to unite every power she could to carry on the war against us with as much success as possible. This he was far from disputing; but still the noble lord could not allege, that it was of itself any thing like a sufficient vindication of the act which had been resorted to. It might be the policy of France to take the most immediate measures for accomplishing her ends; but it was far from likely that Denmark would also see it to be her true line of policy to grant a ready compliance with the demand of the French government. It was undoubtedly her interest to keep out of the contest, and, if she was desirous of doing so she had a threat to hold out to Buonaparte, as powerful as any he had to drive her to compliance with his wishes. She had the British navy to apply to for protection, and it would have been absolute ruin to

Buonaparte's own schemes to have driven her to such a resource. This would at once be putting it out of his power, either then, or at any future period, to accomplish the object he was represented to have had in view. To make out the proposition of the noble lord however, it must be incumbent on him to shew, either that Denmark was not willing to resist, or that she was not able. His noble friend (earl St. Vincent), had just declared that the Danes in Zealand were as secure against an attack from Holstein, as we were against an attack from Boulogne. The noble lord (Hawkesbury) had read an opinion of a military person, from which it would seem, he wished to have the contrary inferred; but it did not seem to him (lord Grey), to be at all a case in point. It was an answer to a question, as to the chance of some one of five or six divisions, or 5000 out of 35,000 men, succeeding in effecting a landing. This was merely an hypothetical question, the answer to which proved nothing, for it did not say, that supposing any one division of 5000 men making good their landing, that the Island of Zealand must fall as a necessary consequence. His lordship felt himself entitled to complain, that, though this was a motion for the production of papers, the noble lord opposite should come forward and read extracts from this very information, which, at the same time, was refused to be presented to the house. His lordship did not think it could be pretended that the French could have made any successful attempt on Zealand when protected by the Swedish and Danish flotillas, and by the vast naval force of G. Britain. There was not, therefore, such a probability, if the Danes had been determined to resist Buonaparte, that he could have compelled them, as warranted us in having recourse to the extraordinary step we had taken. But it was said, the Danes were hostilely disposed towards us, and in proof of this were cited the American War, the Armed Neutrality, and the Confederacy of 1801. From these however, particularly the last, his lordship was inclined to form a directly opposite opinion. They might be induced to reflect what had been the effect of that confederacy. An attack on their capital, and the loss of a considerable part of their fleet. He could not believe that, with this in their recollection, they would be very ready to join in any such confederacy. A noble friend of his, in the course of the debate, had complained of the mutilation of his dispatches, and had stated, that if given entire, the effect would have been different. The noble lord would admit the writers of dispatches to be judges at least of their own meaning. His lordship and the other noble lord alluded to were in that house able to speak for themselves, and to vindicate their characters against the improper liberties so taken with them. But, what was the fate of a foreign minister in this situation, left to have his conduct and character misrepresented, and judged of through an improper medium, both at home, and in the countries where his mission lay? For Mr. Garlicke, he could say, that he was a most meritorious and deserving gentleman, and had conducted himself with great credit at Copenhagen, where he left a most respectable character behind him. Though he did ample justice to the mission on which he was employed, he had also done justice to the Crown Prince, and so far from representing him as under the dominion of France, he had uniformly described him as of a disposition and spirit to resist every idea of compulsion, and every attempt to induce him to deviate from his neutrality. This was the character of all Mr. Garlicke's dispatches, so long as he had any opportunity of knowing their contents, and he challenged the noble lord to produce his (earl Grey's) dispatches, if he should presume to insinuate that they breathed any different language. He did in one of his letters figure a possible case, and give directions accordingly, but in the very next sentence he expressed his conviction that such directions were unnecessary. He was particularly anxious that his conduct and character should be fully examined in this and in every other part of his official duty, and for this purpose should be happy to see every dispatch which he had written on the subject laid before the house. It would have been wrong in this country not to have been prepared for what might happen; but in the present measures there had been nothing but vain surmise and conjecture, nothing of that grave necessity which could justify so monstrous a step.—It had been said on a former night that some secret article in the Treaty of Tilsit, which had come to the knowledge of his majesty, had occasioned the attack on Copenhagen; and, what was still more solemn, such was the reason assigned by his majesty, both in the Declaration as to the conduct of Russia, and in the Speech on the opening of parliament. The noble lord, however, had passed over this to-night in somewhat of a shuffling manner. The Treaty of Tilsit was signed on the 7th of July, and the order against Copenhagen, it appeared, was given on the 19th of July, so that it was morally and physically impossibly that the sacred Declaration put into the mouth of his majesty could be true. And was not that a ground for enquiry? Was that not a case in which the honour of the house was concerned, and in which their duty called on them to interfere, and set matters to rights? It was said ministers had information from Portugal of the demand for giving up the navy of that country into the hands of France: but what did this government do on that occasion? Did they send to bring their navy away? No; the noble lord believed ministers had no merit whatever in the departure of that Court. It was entirely to be attributed to the severe terms imposed by Buonaparte himself, and his positive refusal to allow the royal family any longer to reign.—His lordship was anxious to know, why Russia had been passed by, she being a party to the confederacy, while poor defenceless Denmark was made to suffer? If matters might be supposed capable of being reconciled, why not give Denmark that opportunity, and punish the actual party in the offence? The doctrines now introduced exploded every principle of the law of nations, and introduced a new system of spoliation. The scoff of dying with our hands on Puffendorf, did away all that Mr. Pitt had been contending for with the thunder of his eloquence for so many years, and all that had been struck with the keen arrows of the Anti-jacobin. Here the noble lord entered into a statement of the condition of the Danish ships, which he considered hardly fit for our service; the ships were small of their class; they were iron fastened, and not coppered. They would require, some of them, six gangs of shipwrights to fit them out in six weeks. Some of them would take six months. The same number of men would build a 74 in a year; so that the repairs of these would cost half of the expence of a new ship of a superior kind. On this view, little advantage was to be gained from the Danish fleet.—As Ireland had been mentioned by a noble baron, he would avail himself of the present opportunity, strenuously to recommend to his majesty's ministers, to take into their most serious consideration the state of that generous, that heroic, though unfortunately oppressed, people, and by every means in their power to endeavour to amelioriate their condition, and thereby to render them the warm and steady partisans of the cause of G. Britain. He advised this the more earnestly, because he was convinced that this country would need every assistance that she could possibly obtain; because he knew, that by the recent conduct of his majesty's ministers, every power of the continent had become hostile to us. Even in Sweden, notwithstanding the steady adherence of the Swedish monarch to his alliance with this country, he was well informed that the Danish expedition had created considerable disgust; and in Russia, after all that had been said on the subject, by a noble lord (G. L. Gower) in another place, he could positively assert, on authority that could not be contradicted, that the general feeling towards England was in the highest degree inimical. It was the first instance in which our character as a nation had been so deeply committed. Why the necessary information was refused he could not conceive. It could only be because ministers felt the weakness of their case; because they felt that they had immolated the honour of the country, and by that sacrifice had forwarded, rather than retarded, the objects of the enemy. We had enabled France to shut the Sound against us, and to exclude our commerce from the continent. We had also given her a port, in which she would have the power of constructing a marine, with much more rapidity, and at infinitely less expence, than in any other port of Europe. Feeling most strongly the necessity of ample information on these and every other point connected with the subject, he should give his most cordial assent to the motion.

The Earl of *Mulgrave* entered into an examination of the conduct of the late administration with respect to Portugal; and contended, that after the orders which had been given by them on that subject, they came forward with a very bad grace to censure his majesty's present government for what had been done by them at Copenhagen. The noble lord had expressed his confidence, that Denmark would not have forsaken her neutrality, and that she would have been neither cajoled by the persuasion, nor influenced by the menaces of France, to have made common cause with her against G. Britain, had it not been for the measures adopted by the British government. What ground had the noble lord for this conviction? Let the house recollect the former conduct of Denmark, when, in two instances, in the armed neutrality of 1780, and in the confederation of 1801, she opposed herself to the maritime rights of this country; and in the latter instance in particular, in direct contradiction to the most solemn engagements, recently concluded; and let them then lay their hands on their hearts, and say, whether a different course was to be expected from the Danish court on this occasion, or whether there was not on the contrary infinitely greater reason than ever to believe that the Danes would unite with the enemy against us. A noble lord had said that the Danish ships were not worth having. The last administration, however, would have been very glad to have got the Turkish ships if they could have seized them, which were certainly not half so good; but by no very singular tortuity of reason in the noble lords opposite, every measure was laudable which they endeavoured to effect, and every measure was culpable which his majesty's present government had succeeded in effecting. But the noble lord was in error, the Danish fleet was well worth bringing away. It consisted of 16 sail of the line, which united to the 13 Russian ships, would have formed a fleet of near 40 ships—a formidable navy, and one that might have involved this country in evils of considerable magnitude. Could such means of annoyance have been looked at without apprehension? Would it not have been necessary for us to relax the blockade of several of the enemy's ports; and would not such a relaxation have enabled the enemy's squadrons to escape for the purpose of attacking our colonial possessions, and doing us other irreparable mischief? There might be a great deal of magnanimity in the power of contemplating so much danger without inquietude: but, for his part, he preferred the prudence which prevented us from incurring it. A great deal had been said on the absurdity of allowing the Russian fleet to navigate the seas at pleasure, at the time that this serious attack had been made upon the Danish marine. Now, the fact was, that orders had been dispatched to our officers, not to permit a Russian fleet to go into an enemy's port. It was not want of caution that had admitted the entrance into the Tagus of a Russian squadron, but want of wind and favourable weather, by which sir S. Smith was prevented from reaching the Tagus until two days after that squadron had got in. It was ludicrous to hear a noble earl talk of the Danish fleet as being the same that it was eight and forty years ago; this assertion reminded him of the sailor, who, passing the Horse Guards in his way from the Admiralty down to Portsmouth, saw one of the dragoons mounted at his post; on his return after a ten years absence, he observed another dragoon in the same place. Conceiving it to be the same man, he whimsically exclaimed, 'Ah! damn you, are you there yet!' He supposed the Danish fleet was like the Sleeping Beauty, who awoke after a nap of a century, in full possession of her pristine youth and charms.—The noble lord opposite had said, that to be sure we had got 16 ships of the line, but that, by so doing, we had excited the anger and resentment of the Danes. This was a cause of considerable regret; but he contended, that his majesty's ministers would have shewn a contemptible pusillanimity, and would have acted most unworthily, if they had been deterred from doing that which they conceived to be their duty, by any apprehension of Danish anger and resentment. If they had refrained from wresting from the approaching grasp of a formidable enemy, an engine which would have given him a very considerable addition of power, they would indeed have deserved the most severe reprehension; they would have merited all the reprobation that had that night been bestowed upon them, for having pursued an opposite line of conduct. He regretted that the house was not unanimous on the present question; but he trusted that a very considerable proportion of the noble lords would, by their vote of that night, testify their approbation of the steps that had been taken by his majesty's government.

Earl *Darnley*, rebutted all the arguments advanced by the noble earl who preceded him. He contended, that no case whatever had been made out to justify the harsh measures resorted to by ministers, in attacking a defenceless people in a state of avowed neutrality.

Lord *Sidmouth* rose at a late hour, and supported the motion in a speech of considerable animation. The noble viscount began with strongly urging, that it was the paramount duty of ministers, at all times, to furnish parliament with formal and authentic information, as to the grounds and nature of any new contest, in which, by their counsels, whether wise or imprudent, they had involved the country. The war with Denmark was a new war, and upon what pretence could ministers ask for the support of that house while they refused it that information which, upon all occasions of war, had never been denied? The noble viscount then proceeded to consider the question in reference to the disposition of the Danes towards this country, and contended, in the first place, that there was no one reason to suppose the Danes were hostilely inclined towards us, and in the next, even admitting that they were, that this would not in itself justify the measure of the expedition.—He next adverted to Russia, and commented with much force on the glaring anachronism in imputing the expedition which sailed in July to intelligence not known here till the 8th of the following month. He dwelt upon the indecency of putting such an assertion into the sacred mouth of his majesty. As to the designs of the French in the Baltic, he thought the best guarantee this country could have had in that respect, was the power most interested in such interference; and it was his firm persuasion, that Russia would never have suffered France to have established any serious influence in that sea. The noble viscount then proceeded to argue the question on the ground of danger to this country. He considered this danger, first with respect to its certainty—that certainty had not been at all made out. He considered it next in reference to its magnitude, and denied that any proof had been adduced to convince any impartial man that it was greater in point of magnitude than certainty. He lastly considered it with respect to its urgency, in which he thought it failed as much as in either of the two former considerations. The noble viscount concluded an impressive speech, with a solemn appeal to their lordships to pause before they decided upon a question involving so deeply the national character; and to bear in mind, that if, as had been said, the expedition was generally approved of hitherto by the country, it was because that country looked with confidence to his majesty's ministers for the fullest and most satisfactory information.—The house then divided,

Contents, ... 35....Proxies, 13— 48
Non-Contents, 67....Proxies, 38—105
Majority against the motion, 57.

List of the Minority.

Norfolk,
Somerset,
Bedford,
Devon,
Argyle,
Stafford,
Derby,
Jersey,
Cowper,
Essex,
Stanhope,
Hardwicke,
Grey,
Cholmondeley,
Albemarle,
Fitzwilliam,
Spencer,
Buckinghamshire,
Sidmouth,
St. John,
Besborough,
Darnley,
King,
Holland,
Moira,
Grenville,
Auckland,
Carysfort,
Erskine,
Ellenborough,
Ponsonby,
Lauderdale,
Yarborough,
Hutchinson,
Braybrooke.

Proxies.

Bute,
Shaftsbury,
Carnarvon,
Lucan,
Thanet,
Hereford,
Dorchester,
Bulkeley,
Ossory,
Lilford,
Dundas,
Foley,
Spencer of Wormleighton (lord Blandford)

HOUSE OF COMMONS.

Monday, February 8.

[Expedition to the Dardanelles.] Mr. *T. Grenville* begged the attention of the gentlemen opposite for a few moments. The house would recollect, that as the late administration quitted office before the result of the Expedition to Constantinople was known, it was impossible for him to judge what Papers had or had not been received on the subject by the admiralty. It was well known that the greater part of communications from the admiralty originated in letters to and from the first lord, who caused all such letters to him, and duplicates of all such letters from him, as he conceived to be fit subjects of official resort, to be laid before the board of Admiralty. He had not now the opportunity of knowing whether several papers of considerable importance to the elucidation of this subject, had been laid before the board. One was a Letter from lord Collingwood to the first lord of the admiralty, containing sir T. Louis's report of the state of the Dardanelles, and of the Turkish fleet and batteries on the 5th of Dec. Two others were Letters from himself to lord Collingwood, on the subject of Alexandria and Constantinople, of which he had thought proper to lay before the admiralty certified copies, that they might become the subjects of official resort. Having so done, he thought it his duty to call the attention his majesty's ministers, before they made up their minds on the Papers to be produced, and to express his hope, that when those papers were produced, a sufficient time would be allowed for the discovery of any deficiencies that it might be found necessary to supply.

Mr. Secretary *Canning* observed, that he had on a former occasion sufficiently evinced his wish, that all the information on the subject, which the gentlemen opposite were desirous of having, should be produced, although the expression of that wish had been so ungraciously treated, that he should feel much disinclined again to enter into a private communication on that or any other subject with the gentlemen opposite.

Mr. *T. Grenville*, in explanation, declared that the first intimation which he had had of the private communication to which the right hon. gent. alluded, was when on his legs in that house.

[Expedition to Copenhagen.] Mr. *Whitbread* rose to make his promised motion for the production of certain Papers, extracts from which had been quoted by the right hon. secretary, in his speech, in defence of the expedition to Copenhagen. (p. 272.) The hon. member observed, that the subject was of the highest importance in itself. The right hon. secretary in his speech, had carried the practice of making partial extracts from papers not before the house, to an extent to which it had never been pushed before. In the course of his speech, which certainly none but an able man could have spoken, he had resorted to a practice of partial extract and comment, which probably no other man besides himself would have had recourse to. In the course of the last war, lord Melville, then a member of that house, and high in office, had set the example of a similar practice; but he well remembered that the practice had then been reprobated as unfair, as derogating from the dignity of the house, and as calculated to produce an impression, in most cases, totally different from that which the papers given at full length would bear. He would do Mr. Pitt the justice to say, that he had never descended to such a practice. The right hon. gent. should recollect the situation of high trust and responsibility which he held, and that it was most unbecoming that situation to put any thing like a false gloss on the written opinions of his predecessors in office. He had the authority of his noble friend (earl Grey) to declare, that he felt injured by the partial extracts and comments which he had made from the dispatches which he had sent to our envoy at the Danish Court. These extracts, he was convinced, would not have been read, had that noble lord continued a member of that house; or, if they had, the meaning affixed to them would have been flatly contradicted. There were gestures which would throw an air of ridicule on the most serious matters, and what was stated only hypothetically might be so read as if absolutely true, thus giving a totally different complection to what would result from the perusal of the whole. These were the acts which the right hon. secretary had had recourse to. He had also followed a similar method with regard to some dispatches of lord Hutchinson, and of Mr. Garlicke, the British envoy at the court of Denmark, selecting detached passages from their correspondence, and making them say, in fact, what he pleased. These two noble lords, however, had the opportunity of explaining their own meaning, and of refuting that interpretation which was put upon their words, while Mr. Garlicke was so situated, that it was not possible he could obtain that redress to which he was justly entitled. He also conceived that the partial extracts which had been made tended to calumniate the Crown Prince of Denmark, in as far as they represented him as desirous of putting an end to his neutrality; for, from all that he had heard and known of the conduct of that prince, he believed it to be his wish to remain perfectly neutral. On some occasions, when it served his purpose, the right hon. secretary had urged the great inconvenience of producing diplomatic papers; but he had not found it inconvenient to make such partial extracts from papers in his possession, as might enable him to attain his purpose, of gaining a vote of the house, even though such extracts gave a totally different colour to that which the papers not thus garbled would have had. If the right hon. secretary had given a false impression, as he contended that he had, by his partial quotations, he had neither done his duty to the public, to those persons connected with the late administration, nor to the much-injured Danes; for he should always view them in that light. There was one way of doing justice, however, and only one, and that was, to lay before the public the dispatches from which he had made such garbled quotations. At the same time, while he demanded this act of justice, he was authorized by his noble relative to declare, that he would rather be contented to suffer in his character and feelings than that the public service should be injured by any disclosure; but he was at the same time authorized to say, that his noble relative was of opinion, that no inconvenience would arise from laying the papers before the house.—The hon. gent. concluded with moving for the following papers: 1. Copy of the Dispatch from lord Howick to Mr. Garlicke, dated London, Dec. 3, 1806, an extract from which was read by Mr. Secretary Canning in his place in this house on Wednesday last, and the Answer of Mr. Garlicke thereto: 2. Copy of the Note delivered by Mr. Rist to lord Howick, relative to the Order in Council of Jan. 7, 1807, and the Answer thereto, extracts from which were read by Mr. Secretary Canning in his place in this house on Wednesday last."

Mr. Secretary *Canning* contended, that when in the course of his speech on Wednesday last he was led to consider the disposition of the Danes towards this country, and the means which they had, whether of offence or defence, about the latter end of 1806, he availed himself of that information of unquestionable authority on these subjects, which had been left by his predecessor in office. The circumstance of the continuity of the government being disturbed, did not detract from the value of that information. It should be recollected what it was that gave occasion for the extracts which he had made. He had contended, that the seizure of Holstein by the French would have a dangerous influence upon Zealand; first, by the possibility of an actual transfer of French troops to that island; and, 2dly, because it would have been difficult, if not impossible, for the Danish army to retreat in the face of a victorious French force. But the seizure of Holstein would have also had a moral influence upon the Danes, in disposing them to join that power by which they were overawed. To illustrate this, he had made an extract from a dispatch of his noble predecessor, in which the contingency of this event was foreseen, and in which our envoy was ordered to notify to the Danish government, that if any promise was made to surrender their fleet to the French, his majesty would resent it. This extract was not made, however, by way of recrimination or imputation upon the noble lord; on the contrary, it was certainly the opinion and advice which he should have suggested in the same circumstances.—There was another subject on which he had quoted lord Howick, with regard to the offer of 25,000 Swedes for the defence of Denmark; and that was the advice which he himself should have offered. He was at a loss to conceive how that noble lord could feel himself hurt by the extracts which he had made; and he was equally at a loss to conceive how he could have altered that opinion with regard to the dispositions and power of Denmark to maintain her neutrality, if he ever entertained it.—He had also said, that the mode in which the Danish government had remonstrated with this country on the subject of the Order in Council, which was a measure of partial retaliation for the French decree, discovered any thing else rather than a disposition to cultivate impartiality, and that it appeared in the same light to the late administration. He therefore had no objection to the production of the Note of Mr. Rist, since it would tend to throw light on the nature and propriety of the late Orders in Council. But, in his opinion, no case whatever was made out for the production of the other papers, since he had only quoted them as a confirmation of those suspicions which were so reasonably entertained with regard to the conduct of the Danes. The extracts which he had made from Mr. Garlicke's dispatches related to that particular period of time after the fatal battle of Jena, and the violation of the Danish territory by France; and were principally made for the purpose of shewing that many persons in official situations in Denmark, had that bias towards the interests of France, which it was the business of the British government to counteract, if possible. He was confident that no person could charge him with having made any false statement of what was contained in Mr. Garlicke's dispatches. But his chief objection to the present motion arose from this principle, that it would go to establish a precedent for publishing all papers and foreign dispatches whatever. The depositaries of the public confidence must judge in every instance, whether they ought to be produced or not. There would be no end to distrust, and from the sample which was now exhibited, there would be no end to the demand and production of papers. To the jealousy which the hon. gent. discovered, no other exposition of papers would be satisfactory, but that of putting him into the Foreign Office, and letting him rummage at pleasure. With regard to the dispatches of lord Howick, it was highly probable that the noble lord had copies of them in his own possession; but if not, he should be happy to furnish him with copies from the Foreign Office. In observing upon the state of Denmark at a particular period, he had taken the opportunity to state that the possibility of a junction between France and Denmark had been contemplated by his noble predecessor, and that orders had been, in consequence, communicated, how to act, in the case of such an event. It appeared that the house was convinced of the propriety of the measures adopted by government, from what had been already produced; and it was for those members who thought otherwise to bring the same question again before the house, if they thought fit.

Earl *Temple* was astonished at the speech of the right hon. secretary the other night in many parts of it, and still more so, at the manner in which he attempted to defend himself to-night, by denying the information which the motion before the house was calculated to convey. He had referred to extracts from the dispatches of lord Howick in his own defence the other night, and in support of his own argument. He must be excused when he called these extracts, garbled extracts of documents to which he had access from his official situation. In the course of the debate, the right hon. secretary gave a part which suited the purpose of his own argument, and concealed the rest. He should have expected, that a man of the talents and station of the right hon. secretary would not have stooped to the artifice of garbling scraps of paper, to give a false colouring to a transaction of such importance as that of which he was treating the other night; for most indisputable it was, that the whole matter would have appeared in a very different light from that in which the speech of the right hon. secretary placed it. My lord Grey felt himself aggrieved by this proceeding, and declared that if the dispatch sent by him to Mr. Garlicke had been all read, instead of the partial extract which the right hon. secretary gave to the house, the whole transaction would have a different colour from that which the reading of that partial extract gave it. What was the point in debate? There had been an inquiry respecting Denmark, and the Expedition to Copenhagen had been attempted to be justified from certain circumstances. Gentlemen on one side of the house contended, that the account which ministers had given of that matter was not satisfactory. Upon that occasion, the right hon. secretary read part of a letter from lord Grey to Mr. Garlicke, and in that extract he left off at the end of a paragraph which suited his own purpose, and the very next would have explained the whole context, and given an entirely different colour to the matter. This was grievous to my lord Grey, who was a public man, who had held an high official situation, and in whose character the public had a great interest. He conceived this to be a perfectly fair and sufficient ground for calling for the production of public documents; and he was sorry to say, that referring to the estimation in which he had hitherto held the right hon. secretary for candour, in that part of his character he had been greatly deceived.

Mr. *Herbert* took a general view of the expedition to Copenhagen, which he considered as setting an example, which would in future have the effect of involving neutral powers in war, whatever might be their interest or inclination.

The *Secretary at War* defended the measure, and conceived it plain to the common sense of every man, that from the power of France and the weakness of Denmark, the latter power would not have been permitted to remain neutral.

Mr. *Tierney* alluded to the speech of the right honourable the secretary of state on a former night, the eloquence of which he admired, but he could not help saying, it was a speech most of the force of which was derived from the extracts which he took from certain documents to which he referred. And here he must take leave to lament that a secretary of state should avail himself of the command he had of the documents of office, and which none but a secretary of state could have taken; and here he must also declare, that the extracts which the right hon. gent. read, were garbled extracts. Lord Grey was well known to be hostile to the Expedition to Copenhagen, and by the extract which the right hon. gent. gave of the dispatch of lord Grey (then lord Howick) to Mr. Garlicke, it would appear as if lord Howick had recommended that expedition. He really did not see what his hon. friend (Mr. Whitbread) could do less than bring forward the present motion; he ought to do it for the sake of the house of commons, he ought to do it for the sake of the public, who had a right to be fairly informed upon this matter; he ought, lastly, to do it for the sake of the character of lord Howick; for every public man was entitled to a fair consideration by the public. The right hon. secretary consented to lay before the house the correspondence of Mr. Rist, because that appeared to answer the party motives of the right hon. gent. He made a partial extract from the dispatch of lord Howick for the same reason, but he repressed the rest of lord Howick's dispatch, because it would put an end to those party motives by placing the subject in another light, and explaining the whole matter to the public. The general objection to the production of papers, was the inconvenience to the public service by producing them; but here it was not contended that any such would be the case if the whole dispatch of my lord Howick was produced. Here the house was called upon to recognize a right in the secretary of state to read what part he pleased of any document in his office, just as it might suit himself, and that out of pure confidence in the secretary of state. No man admired more than he did the talents of the right hon. gent. but he did not choose to put that sort of confidence in any man, as to allow him to make partial extracts out of documents as they might suit his purpose. Indeed, he had refused it to a person more considerable than the right hon. gent.; he meant the late Mr. Pitt. He did not object to the right hon. gent. taking to himself the temporary triumph of a debate by a little tricking, or perhaps to continue that triumph for the day after the debate, but it was too much that he should claim the continuance of the triumph for a week together; when the whole of it was founded upon a fallacy, it was too much to endeavour to keep the country in a state of delusion. There was this difference between ministers and their opponents: the opponents of ministers had done every thing in their power to make the case clear to the public view—ministers every thing in their power to keep matters in the dark. They now talked of the thanks of the house and of the public, and indeed they were perhaps nearly as well entitled to them as some who had them. He would put them to the test. Would they desire any young man of warm wishes for them, to move the approbation of the house to them for their conduct on the Copenhagen Expedition? He ventured to say they dared not. But ministers said, 'Why do not you move a vote of censure against us?' Such a challenge, said the hon. gent. comes with a bad face from men who have the evidence of their conviction in their pockets, but will not produce it. If the right hon. gent. will give me the evidence upon which he founded his proceedings against Copenhagen, I pledge myself to bring forward the motion of censure; but he knows in his heart he has no such evidence to produce.—He wished to put the house upon its guard against being cajoled into a belief that ministers had a tittle of proof for their justification. There was no such thing in existence, and he dared them to the production of any thing that could warrant the bombarding a neutral town, and murdering innocent men, women, and children. But if the full documents were to be withheld upon this subject, what an idea would go down to posterity, when such a motion should appear on the journals to have been opposed by his majesty's ministers!

Mr. *Lockhart* observed, that the vote of the former night must have proceeded upon one of two grounds. It must either have proceeded from a conviction of the satisfactoriness of the extracts of the papers produced, or from a general conviction of the necessity of the measure. The nature of the war was now greatly altered from what it was. We were now fighting for nothing less than self-defence, and our existence as a nation. France had subjugated nearly the whole continent of Europe, and it did not behove this country to remain inactive, till she had collected means to form an attack against us. Ministers, he conceived, had acted wisely in anticipating the steps which France was known to have in contemplation. If we had the fullest proof of the good inclinations of Denmark to this country, but were at the same time convinced that she was unable to resist the confederacy formed against her, ministers, in his opinion, were justified in having acted as they had done. He should therefore oppose the production of the papers moved for.

Mr. *Horner* begged leave to recall to the attention of the house what was the real motion they were then debating. His hon. friend had moved for two papers, one of which had been granted, but as to the other it was to be refused, which was the occasion of the present discussion. The right hon. gentlemen, however, who were thus pleased to refuse the production of this paper, had not attempted to say there was any parliamentary ground for their refusal: on that head, or that it would be betraying any secret intelligence, or that it would be dangerous, or produce any public inconvenience, the house had not heard any thing. Now, the parliamentary ground for producing it was, that it was intimately connected with a very important measure, with the whole circumstances of which that house ought and was desirous to be acquainted; and therefore he was surprised beyond expression that it should be attempted to be refused. If the right hon. secretary could shew that its production would cause any public inconvenience, he would do well to state it; but till he did, he hoped the house would incline towards the motion, and insist on its being given. What was the course the right hon. gent. had pursued? In justifying a great and important measure to the house, he had read part of this document to the house, which part had induced many to suppose that the opinion of the noble lord who wrote the letter was in favour of the measure, by holding forth the same opinion of the Danish government as the present ministers had formed, whereas the reverse would have proved to be the case, had the whole of that document been read, and would be still proved if the whole paper, then the subject of debate, were to be produced.

The *Chancellor of the Exchequer* maintained, that there was no foundation for the supposition that the extracts made by his right hon. friend out of the dispatch of lord Howick to Mr. Garlicke at Copenhagen, made the unfavourable impression against that noble lord which some gentlemen apprehended; for they seemed to think that the object of making these abstracts was merely to impress the house with the idea that lord Howick was now complaining against this expedition, only because he was in opposition, but that if he were in power, he would have done as ministers did. But it was not the intention of his right hon. friend to produce any such impression. There was no such interference warranted by the extracts of the dispatch of the noble lord. It was not denied that the noble lord was against the expedition. But the opinion of lord Howick was, that if Denmark gave up her fleet to secure Holstein from the seizure and gripe of France, that such a submission would not be assented to by his Britannic majesty; that was the sentiment of lord Howick in the Dispatch alluded to, and that was all that his right hon. friend meant to impress upon the house the other night. As to the challenge thrown out by a right hon. gent. he had only to say, that ministers were satisfied with the vote upon the king's speech. They thought their defence sufficient as it stood; nor did he believe they should owe much to the forbearance of the right hon. gent. either in the house, or out of it, if he thought he could attack them with success, notwithstanding his apparent magnanimity, in saying that he should not attack them until they were prepared with their defence.

Mr. *Windham* complained that ministers had swindled the house out of an appearance of approbation of the Danish expedition, in the Address to his majesty, although it was then understood, that that Address was a mere matter of form, not conveying any actual opinion. The grand ground for the production of the papers moved for by his hon. friend, was that the house having, irregularly in his opinion, allowed a flagrant injustice to be done to an individual, were bound to repair it as far as lay in their power.

Sir *John Orde* was desirous that ministers should not be fettered. The gentlemen opposite seemed to wish that we should give the sword to our enemy, and content ourselves with the scabbard.

Mr. *Lyttleton* did not think that the resistance to the present motion rested on the same grounds as the resistance to the motion of Wednesday last. Although he voted for ministers on that day, common justice would compel him to vote for the hon. gent. on the present occasion.

Mr. *Sheridan* was glad to hear the challenge thrown out by the other side. As to a vote of censure, he should be happy to vote two censures; the one on the disrespectful manner in which all information relative to the Danish expedition had been withheld from the house; the other on the expedition itself. He contended strenuously for the production of the papers moved for by his hon. friend. Before the meeting of parliament he had made up his mind to support his majesty's ministers on the subject of the expedition to Copenhagen; fully expecting that they would be able to prove, either that a collusion existed between Denmark and France, or that Denmark could not have resisted the compulsion of France. Neither of these points had been established; and with regard to the first particularly, he pledged himself, when the subject was resumed, to make it incontrovertibly manifest, that there never had been any collusion whatever.

Mr. *Sharpe* said, he thought the motion ought to be acceded to on every principle of fairness and justice; and so convinced was he of the partiality and injustice of reading garbled papers, that if no other person accepted the challenge given to that side of the house, he would himself bring forward a motion, for a vote of censure; though from the slight connection he had in the house, and the short time he had been a member of it, he could not boast even so much parliamentary courage as to flatter himself with success, and could wish it to fall into abler hands.

Mr. *Whitbread* congratulated the house on the idea, that whether they lost the motion or not, it would have the good effect of preventing the right hon. gentleman from again making use of garbled letters. The chancellor of the exchequer had clearly shewn, that he had never had a cause in a court of justice in which he found it so difficult to defend his client; for all he could say in his behalf was, that he did not mean to draw that inference which others had done for him. The right hon. gent. had said, 'does the noble lord mean to say, that I have cast any imputation on him, by reading his letter?' He would answer for the noble lord, yes,—the imputation of holding one language while in office, and another when out of it, and in so doing palming an imposition on that house and the public. Ministers and the noble lord were, then, at issue: produce the paper. Was there any public inconvenience arising from it? He would answer boldly, no; it had not even been pretended that there was the most distant risk of it. Ministers were willing to give Mr. Rist's letter, because it might serve their purpose on another occasion, but that which made against them they withheld. The right hon. secretary had said on Wednesday last, that whenever he saw the footsteps of those incapable servants he turned round to avoid them, as a path to be shunned; he wished, however, the right hon. gent. would imitate them in their candour and fairness. He had seemed to think he was dealt hardly by, in its being insinuated that he had represented the Danes as humiliated and treated contemptuously by France; but he appealed to the recollection of the house, that he tried to give every appearance of ridicule in the story he had told of the Danish officer who was taken prisoner by the French, and treated with so much contumely; and stopped short there to make the house believe that no satisfaction had been demanded. But the fact was otherwise; the Crown Prince had made a demand of satisfaction, and obtained it from prince Murat. If the right hon. gent. had gone on and told the house that fact, it would have taken away all the force of his story; so, when he read the passage he had selected from the noble lord's letter, and at the end of which he was so heartily cheered, if he had but given one single word more—the word *but*—with the same emphasis that he concluded the sentence preceding it, that word *but* would have effectually knocked down all those cheers, by shewing that the opinion conveyed was directly contrary to that he wished to have believed. If no other man in the house would bring it forward, he would himself move for a vote of censure; for never was censure so abundantly merited.

Mr. *Montague* was proceeding, but the house became so clamorous, that he was obliged to sit down. On a division, there appeared—For the motion 73: Against it 157. Majority 84.—On our return to the gallery,

Mr. *Sharpe* gave notice of his intention of submitting to the house certain Resolutions relative to the Expedition to Copenhagen, and the Conduct of Ministers therein; but refused to name the day.

List of the Minority.

Abercromby, James
Baring, Alexander
Baring, Thomas
Bathurst, rt. h. C. B.
Bernard, Scrope
Bradshaw, A. C.
Bruce, P. C.
Burdett, sir F.
Byng, G.
Calcraft, sir G.
Cavendish, lord G.
Cavendish, W.
Cavendish, G. A. H. C.
Cocks, hon. E. S.
Colbourne, N. R.
Craig, J.
Crevey, Thomas
Cuthbert, J. R.
Ebrington, visc.
Eden, W.
Elliot, W.
Fergusson, general
Greenhill, Robert
Griffinhoofe, B.
Herbert, H. A.
Hibbert, G.
Horner, F.
Howard, col.
Howard, W.
Knapp, G.
Knox, Tho.
Lambe, W.
Lambton, R. J.
Laurence, French
Lloyd, colonel
Loftus, general
Lyttleton, W. H.
Macdonald, James
Mackenzie, gen.
Martin, Henry
Mathew, M.
Maule, W. R.
Milbank, sir Ralph
Miller, sir Tho.

Milton, viscount
Moore, Peter
Morpeth, Viscount
Mosley, sir O.
Neville, R.
Newport, sir John
Ord, William
Ossulston, lord
Parry, Love
Peirse, Henry
Petty, lord H.
Piggott, sir A.
Ponsonby, F.
Prittie, F. A.
Quin, W. H.
Romilly, sir S.
Russell, lord W.
Scudamore, R.
Sharpe, Richard
Sheridan, R. B.
Smith, G.
Taylor, M. A.
Temple, earl
Tierney, G.
Tracy, H.
Vansittart, N.
Vernon, G. G. V.
Ward, J. W.
Wardel, col.
Western, C. C.
Whitbread, Sam.
Windham, W.

[Papers relating to Denmark and the Order in Council of Jan. 7, 1807.] The following are copies of the Papers relative to Denmark and the Order in Council of the 7th Jan. 1807, moved for this day, by Mr. Whitbread.

PAPERS

PRESENTED BY HIS MAJESTY'S COMMAND TO BOTH HOUSES OF PARLIAMENT, FEB. 15, 1808.

No. I.—Note from M. Rist to Lord Viscount Howick, dated London, March 9, 1807.

The undersigned, Charge d'Affaires of his majesty the king of Denmark, in transmitting in due time to his court by the Note, by which his excellency viscount Howick acquainted him, on the 10th of Jan. with the Order in Council, (p. 126.), issued by his Britannic majesty, prohibiting all commerce between the different ports of the enemy and those subject to the influence of the French government, foresaw at that time the deep and painful impression which that Order could not fail to produce upon the court of Denmark.—He has this moment received its orders to express to the ministers of his Britannic majesty the surprise and grief which the court of the undersigned has felt in taking notice of a resolution, which, founded upon a principle in itself inadmissible, attacks one of the chief sources of the commercial prosperity of Denmark, and seems to give a blow, as direct as it is unprovoked, to her most sacred rights, and to the treaties which connect her with G. Britain. He has received the orders of his court, to detail to his Britannic majesty's government the fatal consequences of this measure, and finally to require its suppression.—The undersigned, in quitting himself of these orders of his excellency visc. Howick, takes the liberty of demanding from him all the serious attention which the importance of the object requires, for this exposition; which will be dictated by that frankness and moderation (worthy of an independent government, and one friendly to G. Britain,) by which the court of Denmark has been constantly actuated in her proceedings and discussions with that of London.—Of all courts, whose duty and interest it is to defend the rights of neutrality, that of the undersigned is called upon to do so on this occasion more particularly, as well by its situation, as by the nature of the Order in Council in question: It is against her interests principally that it is directed; her subjects chiefly will suffer by its consequences. Almost exclusively in possession of the advantageous coasting trade between the different ports which will henceforward become inaccessible to them, they are menaced with the deprivation of a branch of their navigation, which has occupied until the present time hundreds of vessels, thousands of sailors and industrious workmen, and considerable capitals. Henceforth the Mediterranean will, for the most part, be shut against their enterprises: a voyage from Holland to France, from Italy to Spain, from the Hanse towns to the ports of the Mediterranean, will render their vessels and their cargoes subject to confiscation. Excluded from the greatest part of the ports of the continent of Europe, it is wished that they should renounce, not only the considerable advantages which the neutrality of their flag insures them in carrying on the coasting trade, but also the continuance of an essential part of their direct and legitimate commerce with the ports above-mentioned. After having sold the produce of their country, planks, fish, or corn, in one of the Northern ports of Holland, France, or Spain, they will be obliged to return in ballast, because they will not be allowed to seek, in the Southern ports of those countries, and of Italy, such merchandize as the countries of the North have occasion for, and which can alone produce returns sufficiently advantageous to reimburse the expences of their voyages. In order to procure salt, wines, brandy, and oil, it will be necessary for them to sail from Danish ports for the most part in ballast, in order to fetch them from the ports of the Mediterranean; if they do not prefer, which, according to all appearance will be the case, to renounce altogether a traffic, which would henceforward become a ruinous speculation.—And how can the subjects of his Danish majesty be deprived of their legitimate traffic, of one of the principal branches of their industry? By what right can they be stopped in the pursuit of a peaceable occupation, the exercise of which is guaranteed to them by the public law of nations, and by the sacred faith of treaties; which insure to Denmark, on the part of G. Britain, the unlimited liberty of the seas in all cases in which Denmark has not herself consented, by express stipulations, to renounce the exercise of a part of her rights?—They will be so deprived, according to a principle of retaliation, not against Denmark, for she has never swerved from the strict execution of her treaties, or from her duties towards England; but against a third power, whose example G. Britain seems but too ready to follow, in order to render the stipulations of treaties, and the pacific relations between states, subordinate to a right of war, indefinite in its principle, unlimited in its extent, incalculable in its consequences, but completely foreign to, and by no means binding on, a neutral power, independent, and protected by solemn and recent treaties.—The undersigned has received express orders from his court, to declare, in its name, that it regards the right of retaliation, upon which the Order in Council of his Britannic majesty is founded, as absolutely inadmissible, in its principle and in its consequences. To establish this right, it would be necessary to begin by destroying the first notions of general and public law. It must be intended to lay down as a principle, that every power has a right arbitrarily to renounce engagements, and to derogate from solemn stipulations with another power, for no other reason than that its relations with a third power have changed their character.—It must be intended to insist that the privileges, interests, and property, of a neutral nation, are at the disposition of every other power, although connected with it by treaties, as soon as the course of events, or the inclinations of that power should engage her in a war entirely foreign to the neutral nation.—The palpable inconsistency and falsehood of such reasoning cannot be equalled but by its fatal consequences with respect to society. It cannot escape the penetration of his Britannic majesty's ministers, that a principle, which would render the relations and mutual obligations between two countries dependent upon any acts whatsoever of a third power, or rather which would constitute a state of war, the supreme regulator of all the relations of human society, would destroy the very basis of that society, in order openly to sanction the right of strength, and, in the end, to pave the way for that of universal anarchy.—This (the undersigned regrets to avow it) is nevertheless the tendency of the principle upon which the resolutions adopted by the French government against the commerce of G. Britain are cited, as motives to induce his Britannic majesty to set aside the treaties subsisting between England and Denmark, and especially that of the 17th June, 1801, which guarantees to the latter power, in the case expressly foreseen, of any maritime war whatever, the entire liberty of its commerce, with the exception only of those restrictions mentioned in the third article. This is the spirit of a measure, which inflicts upon the commerce of Danish subjects the most severe wound of which the history of neutrality offers an example.—The undersigned does not apprehend that he has said too much in advancing this assertion: he has done so purposely, and entirely foreseeing that the French Decree of the 21st Nov. 1806, together with all its pernicious consequences to the commerce of neutrals, will be cited to invalidate it. The undersigned would have esteemed himself fortunate, if he could have avoided the necessity of making a comparison between the two measures, or of drawing a parallel between their effects, more or less pernicious to the commerce of Denmark; but the weighty and important nature of the task which he has to fulfil, imposes this duty upon him. He will, however, in order to make the ministers of his Britannic majesty acquainted with the measure of the impression which these two Decrees, in opposition to each other, must have produced in Denmark, content himself with stating, that, according to the official explanations which the undersigned has just received from his court, the French Decree does not, as we were led to suppose from its expressions, bear upon all vessels carrying on commerce with England, but only upon those which, coming from an English port, are desirous of entering a port of France; that it enacts the confiscation of those vessels only which refuse to submit to the notification of the Decree at their entry into one of the said ports, or which are desirous of concealing their having lately put into a port of G. Britain; that therefore the provisions of the French

Decree, a great part of which cannot, from their nature, be carried into effect, have not as yet caused any sensible interruption to the commerce of Denmark with G. Britain.—The undersigned must also observe, that the Decree of the 21st of Nov. limited as it is in its application, turns evidently against France herself and her allies; or at least obliges them to participate in the greatest part of the evils and annoyance directed against the commerce of neutrals: That it therefore seems to carry with it the guarantee of its lenient execution; and probably of its short duration.—The undersigned feels it his duty to add, that his court has nevertheless made urgent representations to the French government against a measure, the principle of which it cannot but consider as a direct and manifest violation of its rights: That, far from being willing or able to acquiesce in it, his court thought that it employed the best weapons which its situation and the justice of its cause afforded, when it protested solemnly against the subversion of principle, and the contempt of the law of nations, of which this Decree gives so fatal an example.—But the greater the disgust of the court of the undersigned at the spirit of the Decree of the 21st Nov. and particularly at the motive alleged for its justification, namely, that of retaliation, the more profound was its regret on seeing G. Britain, in her late measures, follow the footsteps of her enemy, and take advantage of his example, to sanction a doctrine, the principle of which seems more to be feared in itself, than the more or less, enlarged scale of the regulations which determine its effect and extent. — The court of Denmark cannot dissemble her apprehensions, that the French government will reckon among its triumphs, the having engaged England in measures which, while they justified its own proceeding, necessarily weakened the ties of friendship which attached the neutral nations to G. Britain, and that it will find in the Order in Council of his Britannic majesty, a new motive, or at least a pretext, not only for persisting in its fatal measures, and for enforcing their dormant rigour, but also for augmenting, if possible, its original violence, and completing the ruin of nations, which, until the present time, had preserved the blessings and the prosperity of peace. The undersigned abstains, but too willingly, from completing the terrible picture which the perspective of such a contest appears to present.—Authorised to declare, in the most precise manner, that the court of Denmark can never acquiesce in any degree in the Order in Council of his Britannic majesty, which has been communicated to the undersigned on the 10th of Jan. nor consent that her vessels should be treated in conformity to it, and to protest formally against its principle and its consequences; the undersigned, however, feels pleasure in transmitting to his excellency visc. Howick, and in partaking, the hopes of his court, that his Britannic majesty will not give effect to the resolution in question; but that, by suppressing it, he will continue and cement the relations of amity and good understanding which attach to his interests the court of Denmark, whose constant efforts have been directed to the observance of her engagements, and to the preservation of her relations with G. Britain.—This hope receives additional vigour from a knowledge of the liberal way of thinking and acting of the enlightened minister to whom the undersigned has the honour to address the representations in favour of neutral rights, which have already more than once found in him their advocate.—The Undersigned has the honour, &c. J. Rist.

No. II.—Note from Lord Visc. Howick to Mr. Rist, dated Foreign-Office, 17th March, 1807.

The undersigned, his majesty's principal secretary of state for Foreign affairs, has the honour of informing Mr. Rist, that he has lost no time in submitting to his majesty's government his Note of the 9th inst.; and that it has received all the attention which the magnitude of the subject, and the various and important considerations which it involves, certainly required.—It is much to be wished that the Danish government, before it had suffered itself to indulge in the representations contained in the above official paper, had considered with more calmness the nature and objects of the Decree of the French government of the 21st of Nov. last, and the Order in Council which, in consequence of that Decree, has been issued by his majesty.—The undersigned is under the necessity of thus calling, in the outset, the attention of the Danish minister to the original state of the question; because M. Rist, in his reference both to the Decree of the 21st Nov. 1806, and to his majesty's Order in Council, seems to have misconceived the tenor and effect of both; uniformly excusing and palliating the one, and in no less a degree heightening and aggravating the supposed tendency and consequences of the other.—By the Decree of the 21st Nov. which upon the falsest allegations is justified by the principle of retaliation, the enemy has presumed to declare the British isles in a state of blockade, prohibiting at the same time all commerce with them, and all trading in English merchandise; and by the same instrument, the Prize Courts of France are directed to enforce these regulations. Neutrals are consequently interdicted from all commercial intercourse with G. Britain, and all trading in her commodities.—The French government, in adopting a measure at once so violent in itself and of such injustice with respect to the consequences which must necessarily have been expected to result from it, committed a manifest act of hostile aggression (though immediately directed against G. Britain) against the rights of every state not engaged in the war, which, if not resisted on their part, must unavoidably deprive them of the privileges of a fair neutrality, and must suspend the operation of treaties formed for the protection of neutral rights, thus fundamentally violated in their first and most essential principles.—The injury which would be sustained by G. Britain, if she suffered her commerce with foreign nations to be thus interdicted, whilst that of the enemy with them should remain unmolested, is so manifest, that it can require no illustration. It never could have been presumed that his majesty would submit to such an injury, waiting in patient acquiescence till France might think proper to attend to the slow and feeble remonstrances of states not engaged in the war, or that he should forbear to take immediate steps to check the violence of the enemy, and to retort upon him the evils of his own injustice.—Had his majesty at once determined to exact the full measure of retaliation to which he was justly entitled, (and which nothing but the most generous regard for the commercial interests of neutral powers could have induced him to forgo) let Denmark reflect upon the effect which such a determination would have had upon her commerce, taking into her consideration at the same time, the means which G. Britain possesses of enforcing it; and then let her compare it with the measure of forbearance and lenity which has been adopted.—His maj. would unquestionably have been justified in resorting to the fullest measures of retaliation, in consequence of this unparalleled aggression; and other powers would have no right to complain, if the king had immediately proceeded to declare all the countries occupied by the enemy to be in a state of blockade, and to prohibit all trade in the produce of those countries; for, as the French decree itself expresses it, the law of nature justifies the employing against the enemy the same arms which he makes use of. If third parties suffer from these measures, their demand of reparation must be made to that country which first violates the established usages of war, and the rights of neutral states.—The British government, however, was neither hasty nor rigorous in its measures. His majesty waited nearly two months before he had recourse even to the mitigated measure of retaliation, which a due regard for the dignity of his crown and the interests of his subjects has at length exacted from him.—Whether in the mean time any such steps were taken by Denmark as were required by the insult which had been offered by the enemy to her sovereignty and independence, and the injury done to her neutral rights, this government is altogether ignorant. All that is known here is, that a formal communication of the Decree of the 21st of Nov. was made by the French minister at the court of Kiel; the answer of the Danish government has not transpired; but no intention of resistance has appeared in any public document, or in any steps taken by the Danish government: whilst, on the other hand, it has observed a conduct not apparently calculated to enforce the respect due to the rights of a neutral nation, nor in consistency with the character of a power determined equally to resist any measures affecting those rights, from whatever quarter they might proceed.—The troops which were stationed in Holstein, whilst those of the allies were near that frontier, have been immediately withdrawn on the approach of the French army; and the general intercourse between this country and Husum, never refused in any former war, has been the subject of continual complaint and remonstrance on the part of the Danish ministry.—Having made these preliminary observations, it will be necessary to enter into a candid and dispassionate investigation of the general nature and effect of the Order in Council of the 7th Jan. of the causes which produced it, and of some of the principal objects which it had in view. In doing this, the undersigned is first led to consider the probable extent of its operation, as it affects the carrying and direct trade to Denmark, and of other neutral Powers; and this will be the more necessary with regard to the latter and more important description of commerce, inasmuch as impediments are supposed to be thrown in the way of it by the Danish minister, which have no real existence, and which the cases assumed by him in his official note, are very far from establishing. From the natural, obvious, and equitable construction of the instrument in question, it will be seen that these cases are altogether exempted from its operation. For wherever it can be shewn that a Danish or other neutral vessel, after having delivered her outward cargo, or any part of it, at one of the ports in possession of France or her allies, or occupied by that power, shall *bona fide* propose to proceed to another, solely for the purpose of shipping a cargo, consisting of such articles as she may require for her homeward voyage, it is clear that such vessel would not be considered in our Courts of prize as liable to the penal consequences of the order. In framing the Order in Council of the 7th January, his majesty's government has indeed studiously endeavoured to avoid distressing nations not engaged in the war. The neutral is still at liberty to carry his own products to a market in hostile countries, to procure from thence articles for his own consumption, and to engage in mercantile speculations, from hostile countries to other neutral countries, or to the British islands.—The object of the Order in Council was, to prevent the enemy from carrying on his coasting trade through the means of neutral bottoms, at a time when the naval superiority of G. Britain precluded him from effecting it in vessels navigated under his own flag, and belonging to his own subjects. But the trading from hostile port to hostile port, at the same time that it was so beneficial and even necessary to the enemy, was comparatively of little benefit to the neutral and hardly entitled to the character of neutral commerce.—The coasting trade of the enemy in time of peace is carried on by his own navigation. Even the other branches of trade referred to, viz. from Holland to France, to Spain, and the hostile ports in the Mediterranean, in time of peace, chiefly pass by the navigation of those countries respectively.—It is principally from the success of the British maritime force, which has almost annihilated the navigation of the enemy, that the ships of Denmark and other neutral states are employed as carriers from hostile port to hostile port, in order to relieve the enemy from his distress; and it is notorious that the trade thus carried on, is supported by the shameful misconduct of neutral merchants, who lend their names for a small per centage, not only to cover the goods, but in numberless instances to mask the ships of the enemy.—The Danish minister, in his note, seems, indeed, so intent upon asserting neutral rights, as apparently to forget that there also exist corresponding neutral duties.—Neutrality, properly considered, does not consist in taking advantage of every situation between belligerent states, by which emolument may accrue to the neutral, whatever may be the consequences to either belligerent party; but in observing a strict and honest impartiality, so as not to afford advantage in the war to either; and particularly in so far restraining its trade to the accustomed course which it held in time of peace, as not to render assistance to one belligerent in escaping the effect of the other's hostilities. The duty of a neutral is—"non interponere se bello, non hoste imminente hostem eripere;" and yet it is manifest, that lending a neutral navigation to carry on the coasting trade of the enemy, is in direct contradiction to this definition of neutral obligations, as it is, in effect, to rescue the commerce of the enemy from the distress to which it is reduced by the superiority of the British navy, to assist his resources, and to prevent G. Britain from bringing him to reasonable terms of peace.—To put a stop therefore to this species of trade, is a measure which might easily have been justified without reference to the late conduct of France; and even if the Danish navigation were likely to suffer some inconvenience from it, there would not exist any just ground of complaint: but when it is the only step in the way of retaliation which has hitherto been adopted on the part of the British government, his majesty's forbearance and magnanimity must appear eminently conspicuous.—If, after all, the probable consequences of this measure are contemplated with any degree of temper, they will appear rather likely to prove beneficial than otherwise to the Danish nation. The products of the hostile countries will of necessity find their way into Neutral countries, not only for consumption but for re-exportation: Denmark will then become a great entrepot; her navigation will not have the less employment; the real bona fide commerce of her subjects will be extended; and her revenue at the same time will be considerably benefited.—The enemy, it is true, will suffer by the enhanced price which he must pay for the articles which he imports, when obtained in this circuitous mode, and by the reduced price at which he will be obliged to dispose of his exports, as well as by the increased difficulty of covering his commerce under a neutral flag. But it is presumed that these considerations cannot furnish any just cause of complaint on the part of Denmark, the real trade of which country will, in all probability, be eventually rather benefited than exposed to any injury from the measure in question.—Upon the whole, the undersigned is instructed to declare to M. Rist, that his majesty cannot be induced to revoke the Order in Council of the 7th Jan. till France shall not only have desisted from acting on the Decree of the 21st Nov. but shall have publicly and formally repealed it. Should Denmark adhere to the resolution she has expressed, of resisting the unjust pretensions of the enemy, and manifest a sincere disposition to maintain a real and honourable neutrality, it is very far from his majesty's wish or intention to deprive her of any of the advantages which fairly belong to that relation; but if unfortunately it shall appear that this neutrality consists in mere assertion, and displays itself only in remonstrances on her part, against such measures as his majesty is justly authorized to adopt, in support of the dignity of his crown, and the interests of his subjects, and on the other hand, in the most complete and unqualified acquiescence in every demand which the enemy may think proper to advance, the king would consider himself as wanting in the regard which he owes to his own honour and the welfare of his dominions, were he to omit taking, on his part, such measures as may be necessary to secure both, against the injury which must necessarily arise from a continuance of such conduct on the part of the Danish government. HOWICK.

HOUSE OF COMMONS.

Tuesday, February 9.

[PETITION AGAINST THE CURATES SUSPENSION REPEAL BILL.] Mr. *Whitbread* presented a Petition from the rev. James Scott, rector of Brampton Bryan, in the county of Hereford; taking notice of the ingrossed bill from the lords, intituled, An Act for repealing an Act made in the 47th of his present majesty, intituled, 'An 'Act for suspending the operation of an 'act of the 36th of his present majesty for 'the further support and maintenance of 'Curates within the Church of England, 'and for other purposes in the said act men'tioned, so far as relates to the avoidance 'of Benefices by the Incumbents thereof 'having accepted augmented Curacies;' and setting forth, "that if the same should pass into a law, it will operate in a manner extremely injurious to the petitioner, whose title to the rectory of Brampton Bryan aforesaid cannot be disputed, as long as the said act of the 47th of his present majesty shall continue to be the law; and that the petitioner was presented and duly instituted to the Rectory of Brampton Bryan aforesaid in 1801; and in 1805 he was nominated to the perpetual curacy of Titley, in the county aforesaid; and that in 1806, the petitioner was appointed chaplain to his majesty's ship Lion, which by the Residence Act is a legal cause of absence; and the petitioner went in the said ship to China; and that at the time of the petitioner's accepting the perpetual curacy aforesaid, he was in total ignorance of a section in an act of 36 Geo. 3. commonly called the Curates Act, which makes a former Benefice voidable by the subsequent acceptance of a perpetual curacy augmented by Queen Anne's Bounty; and that, if the petitioner had been in the least aware of the said clause, he would have applied for a dispensation to hold two benefices, he being a batchelor of laws of the University of Oxford, and as such in a situation to obtain such dispensation; and, that, during the last session of parliament, and whilst the petitioner was absent in China as aforesaid, a bill for the purpose of confirming clergymen who had acted in ignorance of the aforesaid clause in possession of their former Benefices, was, from the very commencement of the said session in the hands of several members of both houses of parliament, of some of the most eminent lawyers at the bar, and of many respectable clergymen; and that several weeks after the said bill had been in such extensive discussion, namely on the 27th of July 1807, the patron of the said rectory of Brampton Bryan presented another gentleman thereto; and that, by the said act of the 47th of his present majesty, it was enacted, that all persons who, upon or at any time after the first day of the said last session of parliament, were or had been the lawful incumbent of any benefice, should, notwithstanding they have or had accepted any such augmented cures, remain and be the incumbents of such benefices until the fortieth day of the next session of parliament; and that the petitioner was on the said first day of the last session of parliament, the lawful incumbent of the said rectory of Brampton Bryan, and was nominated to the said curacy now above 3 years ago, and accepted the same, with the perfect approbation of the said patron of Brampton Bryan, who immediately upon the petitioner's acceptance of the said curacy, became the petitioner's tenant of certain tythes belonging to the said curacy, and has so continued to the present time; and therefore praying, that the said bill may not pass into a law, or that the petitioner may have such other relief in the premises as to the house shall seem meet."—The Petition was ordered to lie upon the table.

[Droits of Admiralty.] Sir *F. Burdett*, seeing the chancellor of the exchequer in his place, wished to put a question to him, in order that he might be satisfied, upon authority, of the truth of certain rumours which were in circulation. It had been stated in the public prints, that his majesty had granted large sums, out of the proceeds of property belonging to nations not at war with this country, to several branches of the royal family, and particularly to the duke of York. What he wished to know was, whether this statement was correct; and if so, upon what ground it was that his majesty could seize the property of nations not at war with this country?

The *Chancellor of the Exchequer* was willing to give the hon. baronet every information he required on the subject. But first he must apprise the hon. baronet of a misapprehension which he seemed to labour under, with respect to the principle upon which his majesty's right to the property in question was founded. It was true that the property had been seized previous to his majesty's formal declaration of war, but war had since been declared, and the question respecting the property had been referred to the competent tribunal and condemned. The right of his majesty, therefore, grounded upon such a decision, was incontrovertible. It was true that his majesty had granted a certain sum out of the proceeds of such property to each of the junior male branches of the royal family, and to the duke of York amongst the rest.

Sir *F. Burdett* thanked the right hon. gent. for the frankness of his answer, and intimated his intention to bring the subject before parliament on a future day.

[Conduct of Marquis Wellesley.] Lord *Folkestone* moved, That the several Papers presented to the house in January, Feb. March, June and July, 1806, and in Feb. 1807, relative to the Affairs of the Province of Oude, be taken into consideration on Monday the 22d inst.

Mr. *Creevey* took this opportunity of expressing his opinion, that the best mode of proceeding would not be that which the noble lord had stated, but that it would be better to refer the papers to a committee, to arrange and make their report. The papers already printed were so voluminous, that it was difficult indeed for the house to understand the subject, unless the necessary papers were selected in this manner. The subject was very comprehensive, extending to the whole system of policy in India for a considerable time. It would be recollected, that with respect to the policy of the marquis Wellesley's government, the East India directors had, with an unanimity unprecedented against the opinion of government, decided by a majority of 23 directors out of 24, against the noble marquis. When government afterwards sent marquis Cornwallis to succeed him, they evidently disapproved of his administration. He thought it was necessary that the dispatches of marquis Cornwallis, expressing his opinion of the conduct of his predecessor, should be before the house.

Mr. *R. Dundas* thought it was unusual to interfere with any hon. member in the manner in which he might think proper to bring forward any business before that house. When the noble lord should bring forward his Resolutions, that would be the proper time for offering such observations as occurred to any hon. gent. on the subject. It appeared to him, that as those papers had been already nearly four years before the house, it would be the best way to proceed to a vote upon those papers. The general policy of the system of government in India would be brought before the discussion of the house in another shape.

Sir *A. Wellesley* said, that it had always been his wish, and that of all the friends of the noble marquis, that the house should come to a decision with as much speed as was consistent with due consideration. His noble relation was in a most unpleasant situation. Four years had now elapsed since the subject was first introduced, and it was nearly two years since the noble lord had moved for papers. It must be painful to the feelings of any individual to have such charges hanging over his head for an indefinite length of time; and the consequence which he thought would be likely to proceed from appointing a committee would be, that the house would be four years longer before it came to a decision.

Mr. *Lushington* observed, that the right hon. general was under a mistake, in saying the business had been four years before the house, as it had been introduced in May, 1806.

Sir *A. Wellesley* admitted, that he had not been exactly correct, but the hon. member was less so; for instead of May, 1806, it was May, 1805.

Earl *Temple* said, he felt still the anxiety that he had always expressed, that this business should be brought to a speedy vote. He thought it injustice to the feelings of any individual to have such charges hanging over his head for a great length of time; and therefore he wished that the question should be put to rest, and that lord Wellesley's character should be settled one way or the other. It would be recollected, that he formerly pressed anxiously for a decision, but was at that time opposed by the friends of the noble marquis on the other side of the house.

Mr. *Windham* said, it appeared to him that the best way of understanding the whole of the subject, was to refer it to a committee, to select out of the voluminous papers which had been printed, those which were most necessary for the consideration of the house.

Mr. *Wellesley Pole* expressed some surprise, that gentlemen opposite should now propose to go into a committee upon this subject, as if the topic never had been before the house: was it forgotten that it had been in discussion repeatedly, ever since 1805? He heartily approved of the mode proposed by the noble lord, and concurred in his motion for the papers he had moved for; but he was averse to the mode of proceeding by a committee.

Lord *A. Hamilton* spoke in favour of the committee.

Lord *Folkestone* lamented the unfortunate predicament in which he stood, in having those only to approve of his plan of proceeding who, he knew, were against him on the merits, while, again, those who were with him on the merits of the question, objected to his mode of bringing it forward. He must, however, adhere to the mode he had laid down for himself.—The motion was then put and carried.

Mr. *Creevey*, with a view to the general discussion of the affairs of India, moved, that there be laid before the house copies of all letters sent by the late marquis Cornwallis to the Secret Committee of the Court of Directors, subsequent to his arrival in India in 1805. These letters contained the opinion of the noble marquis on every prominent part of the administration of our Indian empire, and the information they would give would be most important in directing the judgment of the house on a subject that every day called more loudly for a general and particular investigation.

Mr. *R. Dundas* consented to the production of all the letters but the last, which was not signed by the marquis, and from that and some other deficiencies, such as want of date, unfilled blanks, &c. could not be considered as a fit document to be laid before parliament. The committee which he meant to move for shortly, was merely to consider the Financial Affairs of the East India Company.—After some conversation, it was agreed that the Papers should be produced, with the exception of the unfinished letter.

Mr. *Creevey* then gave notice, that as the right hon. gent. meant to call the attention of the house to the Financial affairs of the East India Company only, he would move for a general inquiry into the state of our Indian empire, territorial and political.

HOUSE OF COMMONS.

Wednesday, February 10.

[Droits of Admiralty.] Sir *F. Burdett* rose to move for an address to his majesty, praying that he would be graciously pleased to order that there be laid before the house an account of all captures made at sea, which remained at the disposal of the crown, from the commencement of the late war in 1792, to the present time, together with an account of the produce of the same, and the manner in which it had been disposed of.

The *Chancellor of the Exchequer* wished the hon. baronet to give a notice rather than to make his motion now. This was more consonant to the practice of the house. The motion would furnish an opportunity for discussing the doctrines that were afloat on this subject. A notice was the best mode of proceeding, as it would cause the persons concerned to turn their attention to the matter, and to ascertain how far the motion could, with propriety, be complied with. If the hon. baronet would give a notice, he would come prepared either to aid in forming the motion in the most convenient shape, or to give reasons why it should not pass.

Sir *F. Burdett* had no difficulty in consulting the convenience of the right hon. gent. by giving the notice for to-morrow.

[Curates Suspension Repeal Bill.] Mr. *Dickenson* moved the order of the day for the second reading of the bill for the repeal of the act of the last session, suspending the penalties and forfeitures affecting persons accepting augmented Curacies. He stated, that the penalty of forfeiture attached by law to persons not resident accepting augmented curacies, if these persons were not resident or had no dispensation. The case of Mr. Scott, which was the sole one on which the Suspension act of last session was grounded, was exactly under the circumstances that worked this forfeiture. It was not enough that Mr. Scott pleaded ignorance of the law. That ignorance was no excuse for the breach of the law, was one of the fundamental maxims of British justice. Mr. Scott, holding the rectory of Brampton Bryan, had accepted the augmented curacy of Titley; and his rectory being thereby forfeited, the patron had granted it to Mr. Graham, who had been inducted with all the proper forms. Mr. Graham had given notice not to pay tithes under the act of last session. That act had passed by surprise.

Mr. *Lockhart* defended the Suspension act of the last session, which was brought forward, not from reference to any private case, but from a regard to the general state of the clergy, whose titles were very generally threatened by the penalties and forfeitures unguardedly incurred under the act of 1796. That act had received in its last stage a clause and a title, which entirely changed its effect, without giving sufficient notice to those interested. These curacies had always before been considered as tenable with benefices, and the act of that date confirmed all tenures of that nature then existing. The subsequent forfeiture was not sufficiently published, and remained unknown and unnoticed till now brought forth to inflict unreasonable hardship. Mr. Scott might have obtained a dispensation if he had had notice. But the case was not Mr. Scott's alone, others had equally suffered; and the hardship would be general if parliament did not interfere. It was certainly but little to ask, that the short period of the Suspension act which was to run, should be allowed for the consideration of the means of remedying a grievance of so serious a nature.

Mr. *Lushington* argued against the Suspension act on all the former grounds, and contended, that it would be an unwarrantable exercise of the power of parliament to interfere with the right of the patron (lord Oxford) to whom the rectory lapsed by the default of Mr. Scott, and Mr. Graham, who legally enjoyed it under the presentation of that patron, confirmed by all due forms.

Mr. *Whitbread* denied that the Suspension act of last session had been passed by surprise. That was impossible while the chair was filled as it was now. Was it possible that it could have passed the bench of bishops also, in the upper house, by surprise. The hon. gent. then went over the circumstances of Mr. Scott's case, which he contended called for relief from parliament, and for the continuance of the Suspension bill, the means of that relief could be prepared and considered.

Dr. *Laurence* argued for the repeal. He repeated that the Suspension bill had passed the house in a great hurry at the close of the last session. He had made some objections to it, on first discovering it by accident in its passage; but before he could be prepared to deliver his sentiments properly it was gone to the lords.

Mr. *Sheridan* finding the bill before the house, regarded it as a sort of reprimand from the lords, and a sort of episcopal repartee from the bishops, for having passed the Suspension act, and thought the house ought to receive it somewhat indignantly. If the bishops and the lords wished to stultify the house by making it indecorously undo its own act, the house ought not to shew any desire to make itself a party to that stultification. But it happened also, that the lords and the bishops could not stultify the house of commons without stultifying themselves, who had joined in the Suspension. He entered into the circumstances of Mr. Scott's case, and insisted on the propriety of continuing the Suspension, to afford an opportunity of devising some relief. The case was general, and one noble lord had declared, that if he chose to act on the same principle, he could vacate upwards of 200 livings.

The *Chancellor of the Exchequer* thought that parliament had no right to interfere with the discretion of the patron of the rectory of Brampton Bryan, even though he should exercise his right in a manner that might not be agreeable to many. But it was not the right of lord Oxford and Mr. Scott alone, but the right of Mr. Graham, the present incumbent also, that was to be considered in this case. What appeared to be hardship in the exercise of discretionary right, would often appear to be no hardship, if it were necessary or convenient to give the grounds of the exercise of discretionary and absolute right. The lords by passing this bill acknowledged their share of the error in passing the Suspension act, and called upon this house for a like recantation. He should vote for the repeal.—The bill was then read a second time.

[ARRANGEMENT WITH THE BANK.] Mr. *Huskisson* moved the order of the day, for going into a committee of ways and means, to which the Correspondence between the Chancellor of the Exchequer and the Governor and Deputy Governor of the Bank, relative to the late Arrangement between the Bank and the public, was to be referred. (see p. 232.)

Lord *H. Petty* wished for some explanation on a point which was not sufficiently clear upon the face of the Papers before the house. The Resolution of the Court of Directors on which the resolution of the company of the Bank of England was founded, agreed to lend to the public 3,000,000*l.* without interest, during the war, on condition that the balances of the public money should be continued in the Bank in the usual manner, though they should even exceed 10,000,000*l.* He wished to know, whether this condition had been acceded to. The answer to the letter in which the condition was specified, stated that it was not intended to alter the course of proceedings between the Bank and the Exchequer, or to take from the Bank any advantage that it now enjoyed by law. He wished to know, whether by this it was meant that the government acceded fully to the conditions proposed by the Bank. In another letter it was stated, that the arrangement now entered into would not preclude a different appropriation of the balances above 10,000,000*l.* and a discretion was reserved to parliament to that effect. These statements were not easily reconcileable, and therefore he wished for some explanations with a view to a right understanding.

The *Chancellor of the Exchequer* said, the noble lord would find that what had passed between him and the Bank was all recapitulated in the note of the 19th Jan. (p. 250.) The words on the particular point alluded to by the noble lord were, that the Bank should, on the 5th of April next, advance 3,000,000*l.* for the public service, free of interest, the principal to be secured by exchequer bills, to be deposited in the Bank, payable in six months after a definitive treaty of peace. It was certainly not intended that any part of the advantages the Bank now enjoyed by law, should be withdrawn during the present war, nor that any alteration should be made in the general course of proceedings between the Bank and the Exchequer. But it was possible, that some reduction might be made in the amount of balances, by other arrangements pointed out by the committee of Finance, without violating the tenour of the agreement now made between the Bank and the public. The principal point on which this part of the subject turned, was a direct application of some monies from the exchequer itself to the public service. This, though withholding the money, *pro tanto*, from the Bank, would not alter the course of proceedings between the Exchequer and the Bank.—The house having resolved itself into the committee,

The *Chancellor of the Exchequer* rose again. He had the satisfaction, he said, to call the attention of the committee to an Arrangement, which it had been his good fortune to make, under circumstances so advantageous to the public, and at the same time so fair towards the Bank, that he was confident on explaining them to the committee he should have its full approbation. The Papers before the committee contained the details of the correspondence between him and the governor and deputy governor of the Bank. It was therefore only necessary for him to state the origin and conclusion of the arrangement which he had now to submit. The committee would be aware, that this arrangement was first suggested by the

Committee appointed last year, to enquire into the means of reducing the public expenditure. The Second Report of that Committee turned upon the management of the public debt by the bank, and the manner in which the bank was connected with the public revenue and the public expenditure.* This subject resolved itself into three heads; 1st, the Management of the Public Debt; 2dly, the Balances of the Public Money in the hands of the bank; and 3dly, the Unclaimed Dividends. On all these heads the committee had presented such facts as afforded opportunities of considering how those matters might be conducted with a saving to the public. The allowance that had been first made for the management of the public debt, the times and degrees in which that allowance had been altered, and the causes of the alteration, were all specified. The great increase of the amount of the public debt since the last alteration, was mentioned as a proper ground for revising the last arrangement, with a view to a saving to the public. On this point the agreement between the bank and himself rested. It was agreed that the allowance for management should be 340*l.* per million when the debt should amount to 400 millions, and from that to 600 millions inclusive; 300*l.* per million for all debt above 600 millions, the 600 millions continuing at 340*l.*; and 450*l.* per million between 300 and 400 millions, in the event of the public debt being reduced so low as that amount. Under this head alone the saving to the public by the present arrangement would be from 62 to 65,000*l.* a year. He trusted the committee would see the propriety of the arrangement on this head; and as from a bare reference to the state of the public debt at the present time, better terms of management might be expected by some, he wished gentlemen to bear in mind the different engagements and contracts with the bank prior to this, which could not possibly be got rid of without the consent of the bank to a new arrangement. In 1791, an agreement had been entered into for the management of all the public debt at 450*l.* per million, and neither the public, nor the house of commons, would be disposed to force a supposed advantage by bringing down the bank from the rate of this contract, otherwise than by its own free will. The appearance of a breach of faith in such compulsory reduction, would be an injury to the public far more than sufficient to outweigh the benefit by the reduction of the rate of management. Whatever allowance the bank was entitled to under any act of parliament, could not be taken from it, otherwise than by the consent of its own body. The consent was given in this case, with as large an abatement as could be expected under the consideration of all circumstances. The next head of the arrangement, was the advance of 3,000,000*l.* by way of loan to government without interest, till six months after the conclusion of a definitive treaty, in consideration of the advantages of management, and in participation of the benefit of the balances. The Committee, to whom he was indebted for being enabled to bring this subject distinctly before the bank and the house, had stated that the average amount of balances of the public money in the bank was about 11,104,919*l.* But the committee was in error in including in this 475,000*l.* part of 600,000*l.* placed in the bank, in virtue of an arrangement with the United States of America. Though the claimants on this fund might not have been as prompt in coming forward with demands as before, it was in the power of the trustees to vest the money in exchequer bills for the benefit of the claimants, whenever they should come forward. The fair sum at which the amount of balances might be taken was about 10,600,000*l.* or 10,500,000*l.* From the economic attention that had of late been put in force, these balances would not rise above 10,000,000*l.* from year to year during the continuance of the war. The committee that had suggested these improvements that were now to be carried into effect, had shewn one principle on which advantage may be reasonably claimed for the public. Mr. Pitt, in his arrangement with the bank, had asserted the right of the public to participate in the advantages derived by the bank from the management and balances; and that whether this participation should be in the proportion of one-third, one-fourth, or one-half, it would be greatly to the advantage of the public. This shewed that not more than a participation was intended, and therefore, as the proportion of one-third, being the middle rate, was what was most looked to, and probably considered as most equitable, that proportion was agreed to. Calculating that proportion of advantage, he would now state how it operated upon a balance of 10,000,000*l.* By the former advance of 3,000,000*l.*, at 3 per cent. when the legal interest was 5 per cent. the public gained an advantage of 60,000*l.* a year, which was equivalent to a capital of 1,200,000*l.* which was to be computed towards the amount of the total benefits realized at present. In addition to that ought to be taken also the amount of balances then in contemplation, according to Mr. Thornton's evidence, which was 2,500,000*l.* This amount of balances was to be deducted from 10,000,000*l.* and left 7,500,000*l.*, which was the amount upon which the present arrangement was to be calculated. The arrangement now entered into, gave to the public, besides the 500,000*l.* of unclaimed dividends, one-half of the reduced balance after the arrangements made by Mr. Pitt. Then there was to be added the 1,200,000*l.* in consequence of the arrangement entered into by the noble lord opposite, which made the advantage to the public considerably more than a moiety of the benefit derived by the bank. If some would say that the 2,500,000*l.* arranged for by Mr. Pitt, according to Mr. Thornton's evidence, should not be deducted from the total balances of 10,000,000*l.* he submitted, that on the full consideration of all the circumstances, the agreement now proposed was as fair a participation of the profits of the bank, as the public could expect, under the Report of the Committee of Finance.—Having stated these circumstances, as to the manner of reforming the allowances of management, it remained for him only to say, that the precise benefit to be given to the public was an advance of three millions without interest, during the war, and till six months after a definitive treaty. Thus far the bank had given its full sanction to the arrangement. On the next head, the bank had acceded so completely, that what he had to submit would be found so fair and equitable between the public and its creditors, and so perfectly competent to the right and powers of the house, that there could be no difficulty of arranging and agreeing to it without the consent of the bank. He alluded here to the unclaimed dividends. This, like the other parts of the present arrangement, originated in the Report of the Committee of Finance. But the manner in which the account of unclaimed dividends had been called for by that committee, had rather produced an increase in the calculation upon which the loan was grounded. The unclaimed dividends, according to the report of the committee, amounted on the 8th of July to 986,573*l.* and at the lowest period of some antecedent years they had not fallen below 900,000*l.* This calculation had been taken on the day before payment, whereas it ought to have been taken on the day after. In demanding 500,000*l.* for the public in addition to 376,739*l.* advanced under the act of 1791, provision was to be made that the balance ready for the payment of the public creditor should not be reduced below 100,000*l.* and according as any reduction below that sum should take place, a proportion of the 500,000*l.* should be refunded from the exchequer to make up the deficiency. The definition of an unclaimed dividend was one that had lain in the bank undemanded from the day of payment of dividends before the last. The bank in agreeing to pay 500,000*l.* out of the surplus of this species of dividend would have exceeded the amount of the precise fund; and therefore the governor and directors would not undertake to go so far without the consent of the proprietors of bank stock in general courts. It was impossible to ask the bank to make the advance out of such a fund on its own authority. But when the power of the public came to be considered, with respect to the money due to its creditors, it appeared that the public provided sufficiently for the security of all demands, when a constant balance of 100,000*l.* was reserved, never to be reduced below that amount, without a constant reparation of the deficiency.—These were two of the three heads of arrangement completely sanctioned by the bank; the third was sanctioned in principle; and though the house had to make the arrangement between the public and the public creditor, without the intervention of the bank, there was no doubt of the equity of the arrangement, and, therefore, the house could have no difficulty in acceding to and confirming it. On the first head, the public would have an advantage of 3,000,000*l.* on account of management, which would be an annual saving of 65,000*l.* This was so obviously beneficial, that there was no necessity to expatiate on it. The public, he was sure, would receive this, as well as the other parts of the arrangement, with satisfaction. He was sure the more the whole was considered, the more it would be found just and advantageous. There was no room for complaint on the part of the proprietors of bank stock, as if the governors and directors favoured government, nor any ground of complaint on the part of the public, as if the government shewed favour to the bank. It was not to be presumed, that in taking this money the country took the profits and savings of the bank, which the bank alone was entitled to touch. The money taken was a portion of the profits of the public money, which the public might dispose of otherwise, if it suited its convenience or its interest. Many modes had been shewn to the managers of the bank, by which the public money might be economically employed for the public out of the bank. It was on a mutual consideration of the convenience and advantage derived on both sides that the arrangement was framed. The public was at liberty to take advantage of the deposits to save interest incurred in other quarters; but from motives of regard to general convenience, this arrangement was mutually agreed to. He now submitted it in the hope of obtaining the full sanction of the house. The agreement while advantageous to the public was fair and equitable to the bank. Others might look to greater advantage to the public; but he was sure the public interest would be found to be fully attended to on a fair consideration of the whole of the circumstances. The right hon. gent. concluded with moving, "That the sum of 500,000*l.* being part of the balances arising at the bank of England from the dividends of the public debt due and not demanded, and of the balances of unclaimed lottery prizes, be paid into the exchequer, provided that if at any time the balances remaining in the hands of the cashier of the bank on both these accounts, shall be reduced to a less sum than 100,000*l.* exclusive of the said sum of 500,000*l.* and of 376,739*l.* to which the sum of 500,000*l.* paid into the exchequer by the said governor and company, in pursuance of an act passed in the 31st of his present majesty, hath been reduced, then and in such case so much of the said first-mentioned sum of 500,000*l.* shall be repaid to the said governor and company as shall be equal to the sum by which the said balance shall be less than the sum of 100,000*l.*"

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* See vol. ix. Appendix, p. lxxxvii.

Mr. *Bankes* agreed with the right hon. gentleman, that it was most just that the country should avail itself of the profits arising from its own money, without infringing the faith due to the public creditor. He applauded him for his perseverance in that point, upon which the bank seemed to be somewhat perverse; namely, to take such a part of the unclaimed dividends as would never leave the balance left at the bank lower than what had been prescribed by the act of 1791. He wished to know, whether the unclaimed lottery prizes were included in the papers. These advances on the dividends ought unquestionably to be made, and he did not see that they depended on the consent of the bank, rather than the reasonableness of the thing, any more than the rest of the agreement. The large rate of allowance which the bank enjoyed for the management of the national debt, he strongly condemned. Even in 1786, the report of the auditors of public accounts stated, that the business could be done for 200*l.* in the million, and this at a period when the debt was comparatively small. Great as was his respect for the illustrious man, who at that time presided over the finances of the country, he could not help thinking that he had made an improvident bargain on the subject. He conceived it would have been infinitely better in the present instance, had a larger reduction been made in the rate of allowance, even if that reduction had been effected by reducing the amount of the loan; for the reduction of the rate of allowance would be a permanent advantage to the country, while the advantage derived from the loan was contingent; although he feared that that contingency would be of long duration. At the termination of the war, the benefits resulting from the loan would cease; and by fixing the rate of allowance by a legislative admission, it would be rendered difficult again to open the subject. There was another point which must be contemplated with some jealousy. The bank had in their hands the complete coinage of the circulation of the country, without an equivalent paid. It would be as easy for them to coin the sums advanced to government, as to coin the amount of their notes cancelled yesterday. He was aware that this could not be done indefinitely, but it might be done to a great extent. The country had certainly reason to be satisfied with the prudence with which that branch of the public economy, the management of the national debt, had been conducted by the bank; but it was evident, that in return, they derived considerable benefit from the public balances remaining in their hands. To suppose otherwise, would be to suppose that the bank were ignorant of that with which every common banker was conversant. He did not like any thing that drew the bank into too close a connection with the ministry. He wished them to feel mutual good will, but to be perfectly independent of each other. Were he asked, however, would he adopt the bargain such as it was, or change the mode of managing the debt, he would answer, that so many difficulties and inconveniences must result from such a change, that inadequate and disadvantageous as the terms were, if they were the best that could be obtained, he would acquiesce in them rather than set the whole business afloat.

Mr. *Tierney* observed, that the right hon. chancellor of the exchequer, seemed to think it a matter of course, that provided the nature of the bargain, as to the public gain derived from it, were approved, no other objection could arise to it. In the outset he would state this vital objection, which he confessed was not new; that while the public restricted the bank from paying in specie, it was at least highly indelicate that the public should derive benefit from that restriction. But could the right hon. gent. have asked for a loan of 3 millions had it not been for that restriction? Would any bank directors tell him, that the loan would have been granted with so much composure, had it not been for that restriction? The right hon. gent. concluded that this was no advance from the bank, but from the public money. How? There were certainly large public balances in the bank, but they were all appropriated to specific purposes. The bank lent this money for what purpose government pleased. If that were not a loan from the bank, what was it? He allowed that the public ought to derive some advantage from the bank, but he differed from the right hon. gent. with regard to the manner in which those advantages should be derived. He would agree with him, that in consideration of the large public balances held by the bank, the bank should furnish the public with the interest of 3 millions; or instead of a loan of 3 millions, that they should pay an annual sum of 150,000*l.* With regard to the rate of allowance charged by the bank for the management of the national debt, in his opinion the bank ought to do that business without any allowance whatever. The right hon. gent. might smile, but he contended that they would then be on the footing of every private banker. We left ten millions in their hands, and we wished them to do that which would cost them 100,000*l.* What private banker was there that would not be very happy to have a customer on similar tems? The right hon. gent. seemed particularly desirous to have a capital advanced by the bank; a thing in his opinion unjustifiable, except by the strongest necessity. There ought not to be the most distant implication that the public gained by the restriction on the payment of specie. By a participation of profit between a government and a bank, other countries had at various times been most deeply injured. In the present state of Europe, it was most desireable to shew the enemy that our resourses were such as enabled us to meet him with confidence. It was on this principle that he admired the plan of his noble friend near him (lord H. Petty), which professed to put the finances of the country upon a footing that would allow of a continnance of war for many years. Could an advocate of Buonaparte's have better materials for depreciating the means of England, than by a reference to the bargain made by the right hon. gent.? Desirous of avoiding a public loan, the influence of government had been exerted on the bank to procure a loan of 3 millions without interest. The right hon. gent. after this step, would find it difficult to convince a Frenchman that we were not driven to shifts and subterfuges. In recent times similar expedients had been resorted to in France, which at the period of their occurrence had met with the reprehension of this country. The Caisse des Comptes, in particular, had furnished a similar loan to the French government, the principle of which transaction had been here very generally condemned. Besides, never was there a period so advantageous for the negociation of a public loan as the present, owing to the great stagnation of trade, and the great quantity of money necessarily afloat, and for which no employment could be discovered. The right hon. gent. seemed to think, that the bank agreed very cordially to this loan of 3 millions. By a reference to the Papers, it would appear that this was not the case. It was said by them, that it would be highly imprudent in the bank to make to the public an advance, amounting to half the public balances in their hands. He agreed with the bank in this respect; it was very imprudent, and it was very extraordinary that the bank should have put out of their own reach such a sum as 3 millions of money. Whence did this sum proceed? Parliament ought to know; for if they took it, they would subject themselves to be responsible for any inconveniences that the bank might sustain in consequence. In 9 years the bank had advanced six millions to the public. Since the restriction upon the payment of specie, they had shared no less than 4 millions in bonuses among themselves: they had increased the dividends on their capital from 7 to 10 per cent. If their profits had been extensive enough to justify all this, then the right hon. gent. had not made half so good a bargain as he ought to have made. At any rate, it was material to the honour and the interests of the country, that parliament should ascertain the truth. It was wrong to take this loan from the bank while the restriction on the payment of specie existed; it would be worse to take it, if by doing so the taking off of the restriction would be retarded. Would the right hon. gent. say that the bank had communicated to him their situation, and that the step proposed to be adopted would not retard the taking off of the restriction? Let the house know this then—let the subject be referred to a committee—the Committee of Finance for instance, by which such an able report had been already presented upon it. What would the world say to a merchant, who, after a stoppage, should set up his carriage, and extend his expences before his creditors were satisfied? The bank ought to have secured their profits for the period when they should again open, and not have been so eager to divide them among themselves. He generally observed, that in transactions between the directors of the bank and chancellors of the exchequer, the one party or the other got a mauling. He could remember the period when even Mr. Pitt came off but second best in the conflict. In the year 1795, the bank took panic, and wished their money to be instantly repaid them. They talked very much of the terrible advances they had made, and of the impossibility of continuing to make such advances; and yet those advances were nothing to the advances which they now agreed to make with the utmost tranquillity. The bank directors consented to lend the country 3 millions, which in his apprehension would not cost them threepence. Did they mean to encrease their notes for this purpose? If so, it was a strong argument against the step; and he certainly did recollect, although he would not draw any inference from the circumstance, that about the time of the renewal of the bank charter, a report was prevalent that above a million of small notes had been issued from the bank beyond the ordinary circulation. If they did not mean to encrease their notes, did they mean to distress the trade of the country, by refusing to discount the bills of the merchants? This would also be a strong argument against the step. On the face of the affair, there appeared a clear profit resulting to the bank on the management of the national debt of about 100,000*l.* Why this, in addition to the advantages they derive from the use of the public balances? He knew that the bank was at a great expence for clerks, for buildings, &c. but this expence ought to be defrayed from the last mentioned profits. He repeated his wish that the subject should be referred to a committee. He believed no committee could be found which would not tell the right hon. gent. that he had not taken half enough in interest, and that he had taken too much in principal. With respect to the unclaimed dividends, there was a great deal of truth and justice in what the right hon. gent. had stated. Perhaps it was politic that the bank directors should make a show of resistance on this point, lest the public should suspect that they had got too good a bargain on the other points. He thought they owed great obligations to the right hon. gent. who had certainly granted them what no other man would have done; but he would take another opportunity of expressing his sentiments on this business, not having yet had time duly to examine the papers on the table. It was a most important subject, and deserved the serious attention of parliament.

Mr. *S. Thornton* declared, that whether they gave a loan of 3 millions, or an annual sum of 150,000*l.* to the public, would be immaterial to the bank, but, in his opinion, from the former, the public would derive the greater advantage. He denied the possibility of supplying the loan by an issue of notes. Let the right hon. gent. look at the quantity of notes at present issued, and then let him look to the quantity issued subsequent to the payment of the loan. The conjectural opinion contained in the report of the Financial Committee on the expences attending the management of the national debt was unfounded. The rate of allowance now fixed, if he were called upon to decide as between man and man, he would say was fair and reasonable. Much had been said of the profits of the bank; he would say something of the profits which the public derived from the bank. In the first place, the capital of the bank was lent to the public at 3 per cent. by which the public gained 2 per cent. On the 3 millions paid on the renewal of the bank charter, the public gained 2 per cent. The bank advanced the annual malt duties, amounting to 2 millions, at 4 per cent. by which the public gained 1 per cent. For the last two years the bank had collected the property tax, by which the public gained 47,000*l.* By adding these various sums together, it would appear that the public derived a profit of 595,000*l.* per annum from the bank, exclusive of what they paid for the property tax on their own capital. The ground on which the bank declined to consent to the arrangement proposed with respect to unclaimed dividends had been mistaken. As the trustees for the public creditors, they did not believe that the balance of unclaimed dividends would admit of having such a sum withdrawn from them as that proposed: and without having previously ascertained the opinion of those public creditors, they could not consent to it. It ought to be recollected, that in 1791, it was determined that 500,000*l.* should be drawn from those dividends, upon the express condition that 600,000*l.* were in the hands of the bank at the end of the penultimate quarter. It was now proposed to extend this to the last quarter, although since 1791, the debt had very much encreased, and a larger balance of unclaimed dividends was thereby rendered necessary to be left in the hands of the bank. Until dividends remained for half a year, they had never been considered by the bank as unclaimed: it was running them much too close.

Mr. *Huskisson* defended the proposition of his right hon. friend. The hon. gent. opposite had maintained, that an annual payment would be a permanent advantage, a loan only a contingent one. A loan, however, would not be rendered contingent even by peace, were large balances still to remain in the hands of the bank; for, by the transaction now under discussion, a principle had been established, which would be acted on in future, that in proportion to the balances in the hands of the bank, must be the advances made by the bank to the public. As to the rate of allowance for managing the debt, the bank had repeatedly declared, that they were not disposed to admit the truth of the report of the Committee of Finance on this subject. He had been an humble assistant at the conferences between his right hon. friend and the directors of the bank, and he was convinced that if a less sum had been offered for the management, the bank would have said, 'take the conduct of the debt upon yourselves.' The inconvenience of the expence arising from such a change in the management would have been infinite. It was a mistake that the ten millions of public balances were left in the hands of the bank to remunerate them for the management of the debt. They were left there for security; they would still be left there, were the management of the debt removed to another quarter. The only balances remaining in the hands of the bank consequent on their management of the national debt,were the unclaimed dividends.

Mr. *H. Thornton* expressed himself tolerably satisfied with the bargain, that had in this instance been made for the public. He agreed with his hon. friend (Mr. Bankes), that the rate of allowance for management might have been reduced farther, had it not been for the acts of parliament that stood in the way. But taking these into consideration, he believed the right hon. the chancellor of the exchequer had reduced it nearly as much as the law allowed him. With regard to the 3 millions, he thought, that the public would derive a greater advantage from them than from the allowance of the interest recommended by some. The inconvenience to the bank would not be much. They would merely lose the interest of 3 millions of exchequer bills. All this, he said, did not diminish the duty of parliament to look with jealousy to the amount of bank notes in circulation. It might happen too, that the commissioners of the sinking fund might find it convenient to become subscribers to the loans; and the balance in the bank would, by this means, be diminished. He wished it, therefore, to be clearly understood, that the commissioners might be at liberty to become subscribers to the loan if convenient, without its being considered as any infringement of this agreement.

Mr. *Huskisson*, in answer, stated, that express care had been taken to provide that government should not be precluded from resorting to any means for reducing the balances.

Mr. *D. Giddy* observed, that though the issues of the bank might be enlarged by the restriction, their capital was still limited, and unless they had so much capital that they did not know what to do with it, they must be losers by lending these 3 millions.

Lord *H. Petty* said, that on two branches of this transaction he hardly thought it necessary to trouble the house with any observations at all. On the subject of the unclaimed dividends he felt much inclined to concur in the view of the right hon. gent. opposite. The bank directors in the course of the conferences on this subject naturally resorted to the definition of an unclaimed dividend, which had been allowed by certain acts of parliament: yet the natural definition he should take to be, a dividend that was not claimed in the quarter when due, without reference to the next quarter. Of these dividends all that could be taken, ought undoubtedly to be applied to the public service, and 100,000*l*. left in the bank, was an ample sum to meet any unexpected demand.—On another branch of the transaction, namely, the management of the public debt, he would also say but little; for though he thought that this might be conducted with more economy, yet as the bank acted in this as agents, and not exactly in their ordinary line of duty, they certainly had a right to be paid as agents, and not merely as bankers. Though the remuneration was large, yet the public derived a great advantage from their undertaking the management of the debt, since it could not be managed in a different manner without a much larger expence, than the compensation to the bank. He agreed that the subject ought to be viewed with a reference to this circumstance, and therefore he concurred in the general propriety of this part of the arrangement.—With regard to the third part of the arrangement, the loan of 3 millions, he concurred with the hon. gent. (Mr. Bankes), and his right hon. friend (Mr. Tierney), in expressing the strongest objection to the mode which had been resorted to in this instance. His right hon. friend had said, that the loan would not have been advanced, had it not been for the restriction. Whether he was right or wrong in that, he did not know; but of this he was sure, that the house ought to take care, that the bank restriction should not be considered in the slightest degree in this transaction. The restriction was only justified by its necessity at the time it was imposed, and it was due to the public, that nothing should be done which should in the least retard the period at which it might be taken off. If any accommodation was given or accepted, with a reference to this restriction, it would be attended with endless mischief, both to the public and the bank. He thought it the more necessary to advert to this, because in the correspondence there was no direct recognition of the exclusion of all consideration of the restriction; and if what the directors said was correct, that they did not derive a profit from the balances up to the amount assumed by the chancellor of the exchequer, he was at a loss to know on what other ground they could agree to advance this sum, except that of the restriction. He could not agree that we were here only taking the public money: our right was to derive some profit from the additional notes issued from the bank, in consequence of the balances in their hands. If the bank should issue an additional 3 millions on account of this loan, they would not be losers but gainers. Perhaps they did not intend it; but he wished to have some security on the subject. But if they did not issue, they must draw 3 millions from some source; and they must afford less accommodation to the public in discounting, by 3 millions, than before. The noble lord then proceeded to the superior advantages which would be derived from having a regular and permanent allowance of profits on which a loan might be raised in another manner. He objected also that the right hon. gent. precluded himself from taking any farther advantage in case of increase of the balances beyond 10 millions, which was very probable. He was glad, however, that the matter had been brought so far to an issue favourable to the public.

Mr. *Manning* defended the conduct of the bank, and contended that the charges of management of the public debt were much greater than gentlemen supposed. Of 800 clerks employed in the bank 400 were engaged in the business arising from the public debt. All the issues of the bank would still continue to be subject to parliamentary inspection; and he could assure the house, that the bank looked forward with anxiety to the period when it would resume its issues of specie, and cease to issue its one or two pound notes.

Mr. *Brogden* thought that the arrangement with the bank was not so advantageous to the public as it ought to be, but thought it better to agree to it than to shew any appearance of hostility.

Mr. *Biddulph* considered the bargain of the right hon. the chancellor of the exchequer, to be extremely disadvantageous to the interests of the public.

Mr. *Croker* defended the arrangement, as did also Mr. Carew, who as a member of the Committee of Finance, expressed his satisfaction that its suggestions for the public service had been thus attended to.—The different resolutions were then agreed to.

House of Lords.

Thursday, February 11.

Dispute with America.] Lord *Grenville* rose, pursuant to notice, to move for certain papers, which would tend to throw some light on the nature of the relations, as they now existed, between this country and America, and on the terms and tendency of the treaty which, in Dec. 1806, was concluded between the two nations. It had fallen to his lot to be engaged more than once in discussions with the ministers of the united states, and, he had bestowed on what regarded the connection and mutual interests of the two states, all the attention, labour, and diligence, of which he was master, and which the high importance of the subject so seriously imposed on him. Indeed, the cultivating and maintaining of a good understanding with America, an understanding that included and promoted the reciprocal interests of the two countries, was, in his mind, the most material and important consideration that could possibly engage the attention of the British government and parliament, next to the care of conciliating and uniting, in one bond of union, all descriptions of his majesty's subjects in these kingdoms. He had of late taken occasion, more than once, to express this opinion, and he now wished to repeat it in the most serious and solemn manner. This disposition powerfully animated his views and his conduct, whenever any thing occurred that threatened to embarrass or interrupt the friendly intercourse and connection of the two countries. In the year 1794, in consequence of events to which the war that broke out in the preceding year gave rise, he had to discuss and adjust some differences which then occurred with the united states. It was his good fortune to have to deal in that transaction with a man (Mr. Jay), whose talents and disposition eminently qualified him for the office he had undertaken. Never in the course of his public life had he met with a person on whose probity, candour, and sincerity, he could so confidently rely. Mr. Jay felt the value and the necessity of a close and amicable connection between the two nations, and he laboured most impartially duly to weigh, and to ascertain the real interests of both. These unquestionably were qualifications indispensably necessary to a negotiator; and no negotiation could be fairly carried on except in a mutual spirit of justice and impartiality. He trusted, that such was the spirit which actuated the negotiation at that time, and which brought it to a successful termination: sure he was, that Mr. Jay acted on these principles; yet when he returned to his own country, he was accused, very unjustly indeed, of having sacrificed her interests, or yielded too far in favour of those of England. Mr. Jay had long since retired from public life; but he felt happy in having this opportunity of paying a due tribute of praise to his character. Under the influence of this disposition were the late discussions with America carried on, and brought to what was expected to be, a happy termination, when circumstances arose, that might put to hazard the final issue of that negotiation. He had much to complain of the false light in which ignorance or malice had endeavoured to represent it. His noble friends who conducted that negotiation, with talents of which he could not now speak as he ought, because they were present, had been reproached as having made unwarrantable and dangerous concessions to America—concessions which had been causelessly and mischievously held out to the public as the bane of the interests of Great Britain; yet, while these reproaches were vented against the administration at home, no sooner had the treaty reached America, than the government of the united states were accused of having yielded too much to the British plenipotentiaries. Even the speech by which the session was opened, contained assertions respecting this treaty, which were not correct. It said the treaty had not taken effect by the refusal of the president to ratify it. Now, the president had not refused to ratify it; but deferred the ratification, as far as the ratification depended upon him, because the treaty contained certain articles, which, though they were agreed upon between the respective plenipotentiaries, were not however signed by them, because some further explanation upon the points they contained, was to be previously had with the American government. As to the concessions that were said to be made to America, in essential points, and which were reprobated as the bane of the interests of England, no assertion could be more unfounded. It was no doubt difficult to say, what were or were not the points which might be conceded, in balancing the interests of the two countries. Since America was declared an independent state in 1782, many points had arisen in discussions, which had never before been brought into agitation, Most of them might easily be adjusted by taking for rule, the mutual advantages resulting from an amicable convention between the two countries: but in points that could be fairly considered as essential, never had he, nor those with whom he was connected, consented to make any concession. He considered as essential, what was connected with the preservation of the naval power and pre-eminence of this country, and sooner would he see England perish in a contest for the assertion of her maritime rights, than that she should yield a tittle of them: for these rights once given up, what contest would she be afterwards able to carry on? They were connected not only with her power, but with her very existence as an independent nation; and therefore no man could ever think of sacrificing them. This was his firm resolution, and nothing could bring him to depart from it. No dangerous concessions had therefore been made to America in the late treaty; and when the two governments came coolly to consider its nature and tendency, they would discover that it equally consulted the interests of both countries; and that, he would repeat, was the only basis upon which any treaty could be solidly and permanently built.—The noble lord then entered into a minute examination of the difficulties that resulted to both countries from the practice of searching merchantmen. From a thousand circumstances, it must be obvious that it was attended with more difficulties between American and British officers, than between the officers of any other nation: but a spirit of candour, moderation, and mutual regard, which he could not too forcibly inculcate, would tend to compose every difference upon that head. As to the right of searching national ships of war, it had never been assumed, and should not be practised. The noble lord again implored the house seriously to appreciate the value of an uninterrupted amity and intercourse with America, and expressed his anxious expectation that the mind of the Americans would become cooler and more considerate, and that this country would meet them with correspending sentiments. His lordship concluded with moving for copies or extracts of the Dispatches which passed between his majesty's government and the government of the United States, respecting the Treaty signed by the plenipotentiaries of both governments.

Lord *Hawkesbury* most perfectly coincided in opinion with the noble baron, that an impartial regard to the interests of the two countries was an essential basis of this, or any other negotiation; and under that impression he trusted that he and his colleagues were disposed to act. No man could be more impressed than he was with the necessity of cultivating a good understanding with America, and making her feel how indispensable was such a connexion to the reciprocal interests of the two countries. After having acquainted the noble baron that he did not intend to oppose his motion, he did not expect he would have gone so largely into the question: but he should not imitate his example, as he would now, and as he had on former occasions, abstain from agitating any question respecting America; as our relations with the united states must soon come, in all their bearings, under the consideration of the house.—After a short conversation the motion was agreed to.

[Mediation of Russia and Austria.] Earl *Grey* said, he had to apologise to their lordships, for postponing that part of the motion of which he had given notice, which related to the Expedition to Constantinople. He found himself obliged to do this from having been unable to examine the dates of certain papers, which it was necessary to investigate. With respect to the other points of his motion, he thought it of great importance that the house should be put in possesion of some additional information relative to the Mediation offered by Russia and Austria. At a crisis like the present, it was of great importance to know, whether ministers had taken advantage of any opportunity that offered for pacific negociation, with a disposition favourable to the attainment of peace. With respect to the qualities of a mediator, he did not think it was necessary that a mediating power should be totally unconnected with both the belligerents: it was scarcely possible in human affairs to meet with perfect impartiality, at the same time he admitted that where there was a close connection between the power offering to mediate and one of the belligerents, that the other belligerent was justified in refusing a mediation under such circumstances. With respect to Russia, much had been said about the treaty of Tilsit: he did not believe that at the time of concluding that treaty, there was any dereliction of our interest on the part of Russia, but that that measure was the offspring of necessity. His noble friend (lord Hutchinson) had stated on a former evening the vast losses sustained by the Russian army; and, after hearing that statement, could there be a doubt of the necessity under which Russia must find herself of making peace? It had been said, that there was a secret article in the Treaty of Tilsit, in which Russia pledged herself that the Danish fleet should be at the disposal of France; but he did not believe the existence of any such article. Was it possible to suppose that Russia, even prostrate as she was at the feet of France, would have agreed to an article which would have rendered France mistress of the Baltic, and placed the Russian empire completely in her power? He did not believe that Russia was really hostile to this country until the event of the expedition to Copenhagen; a measure which he feared we should repent to the latest hour of our existence. The Russian offer of mediation, limited as it was in point of time with respect to our acceptance of it, and communicated as it was, might be considered grating to the feelings of this country; but from the statement of his noble friend (lord Hutchinson) on a former evening, it was proved that the emperor did not wish to limit the time of our acceptance. If, however, he was not disposed, under all the circumstances, to find much fault with the rejection of the Russian mediation, he saw much to blame in the rejection of the Austrian offer of mediation. He thought the answer to prince Starhemberg was petulant, and did not evince any disposition on the part of ministers favourable to peace. Whatever were the objections to the mediation of Russia, they did not apply to that of Austria. The note of Prince de Starhemberg on this subject was dated the 25th of April, and nothing appeared about it in the Papers before the house until the 20th Oct. During this long interval, he had conceived that there would be some further correspondence on the subject; he had been, however, informed by the noble secretary of state, that in point of fact there were no official notes: there had been some conversations, which, however, were not in a shape to be laid before parliament. It was important, however, that their lordships should be in possession of all the information that could be had, and it should be recollected that we had at that time two ministers at Vienna, one of whom was there on a special mission. He therefore intended to move for copies, or extracts, of Dispatches which passed between his majesty's government and the Austrian minister, and from the British minister at Vienna.—The next point on which he wished for further information related to the note of baron Budberg, of the 30th of June. In that note, some charges affecting the honour and character of this country were preferred, charges which it was the duty of his majesty's minister at the court of Russia to repel. These charges were afterwards repeated in the note of count Romanzow, and more specifically set forth in the Russian Declaration. They were contained under three heads: the refusal to lend any military assistance to Russia, the refusal to facilitate the negociation of a loan in this country, and the vexations suffered by the commerce of Russia. Of these three heads of accusation the last only was repelled in his majesty's Declaration. The two first were passed over in that perfect silence, which implied an acquiescence in the truth of the charges. The first was by far the most serious, and upon that he must claim their lordships indulgence for some time. The refusal to make any military diversion in favour of the continent, was one of the chief accusations against that administration, of which he had the honour to form a part. It was a charge which had been pressed against them by their opponents in all possible shapes. This calumny had been industriously circulated among the public, and much relied upon in another place; but he trusted before he sat down he should satisfy their lordships that it was wholly unfounded. His lordship here went into a detail of the military operations upon the continent during the time the late administration were in power, and maintained that at no time was the course of events such, as to justify them in sending a large army to the continent. There were only three points at which a diversion, or co-operation, could be effected. It must have been attempted either in France, Holland, or within the Baltic. What would 25 or 30,000 men, the most which could have been spared by this country, effect against the population of France? It would be to send them to certain captivity or destruction, for within three days, three times their number might be collected against them. Was it in Holland that this diversion was to be attempted? Independant of the difficulty of establishing magazines, there were other obstacles to the effecting a descent in that country. The season rendered access to the coast almost impossible, and there was no strong place under cover of which the army could take post. Was it within the Baltic that this diversion was to take place? He would put it to the noble lord (Mulgrave,) both in his military and nautical capacity, to declare, whether, after the Russians had been driven across the Vistula, any descent could have been attempted with the smallest chance of success, on the coast of Denmark. Stralsund was the only place where a landing could have been safely effected, and Swedish Pomerania was observed by a French army, too powerful for any force that this country or Sweden could have collected in that quarter. Where, then, was this military assistance to be given? Did the noble lords opposite suppose, that the landing of 20 or 30,000 men at Memel could have changed the fortune of the war? His noble friend behind him (lord Hutchinson) could bear testimony that it would not. The Russians were so deficient in arrangements, that they were often in want of provisions. They had neglected to establish magazines; and the accession of such a force, instead of being an advantage, would have only added to their embarrassments. He trusted that he had fully replied to this charge; the next, respecting the refusal to facilitate a loan, would be more easily disposed of. Russia, it was true, had proposed to make a loan of six millions in this country; but it was found upon consulting with some of the first merchants, that it would be impossible, unless the repayment was guaranteed by the British government. Russia offered a species of security, to be sure; namely, that the duties levied in that country, upon the importation of British goods, should be made payable here as an export duty; but this being a duty of a precarious and uncertain nature, was not accepted. The lenders would accept of nothing short of a guarantee of the government; and that, for many reasons, could not be granted. The negociation, therefore, fell to the ground.—The only charge remaining was, the injury sustained by the Russian commerce. It was true, a number of Russian vessels bound to the ports of France had been detained; but they were afterwards released, and ample compensation made to those who suffered by their detention. They were released in consequence of a representation from the Russian minister, that though France and Russia were at war, there was no interruption to the commercial relations between the two countries. In proof of this he mentioned, that the Russian consuls remained at all the French ports, in the full exercise of their functions. To this representation ministers listened, and the detained ships were released, and an assurance given, upon an understanding that they should convey no contraband of war, that they should meet with no interruption for the future. The noble lord expressed his hopes, that he had in some measure satisfied their lordships as to the injustice of some of the charges preferred against him and his colleagues, and the propriety of their refusing to accede to the proposals which made the subject of another; and concluded with moving for the several Papers to which he had referred in the course of his speech.

Lord *Hawkesbury* felt it necessary for him to make some observations on the speech which the noble lord had just delivered. That speech was principally divided into two heads: first, respecting the Russian mediation, and the conduct of the present ministers upon the subject; secondly, the noble lord had thought it necessary to go at considerable length into an apology or defence of the late ministers from the charges which had been made against them by persons in this country, and by the Russian Declaration, which charged the government of this country with neglecting to co-operate with their allies on the continent. As to the first point, namely, the Russian mediation, he must state that his majesty's present ministers never disguised or concealed the desire they had to conclude a peace with France, if such a peace could be concluded on fair and honourable terms, and should extend to his majesty's allies, as well as to his own territories. If they had thought such a peace could have been obtained through the Russian mediation, they would have gladly embraced it; but it was well known that Russia had, at the treaty of Tilsit, entered into secret articles, which they could not doubt were directed against the interests of this country, or perhaps against the existence of some of the powers who were allies of his majesty. The Russian minister the baron de Budberg himself did not deny that there were secret articles prejudicial to this country. He would not, however, state what those articles were, but only said, 'that, upon his honour, the shutting of the Russian ports against the English trade was not one.' Under these circumstances, his majesty's ministers thought it necessary to ask what was the basis on which it was proposed to make peace, and what were these secret articles in the treaty of Tilsit? They thought that if either the basis was inadmissible, or that these secret articles went directly to the prejudice of his majesty, or his allies, in such case it would be idle and dangerous to carry on a mock negociation for peace, which could not produce any beneficial effect, but which would prove delusive to the hopes, and prejudicial to the interests of this country. If an honourable peace could be made, his majesty's ministers would be glad to conclude it, but if the thing was impossible, they thought it dangerous to hold out false hopes to the country. No peace could be honourable to this country which would surrender its allies to the enemy; and as the secret articles of the treaty must be supposed to be directed either against his majesty, or his allies, it appeared to his majesty's ministers, that it was absolutely necessary that they should have some information on that subject before they could consent to have the country lulled into the idea that they were to expect peace.—As to the second point in the speech of the noble lord, the apology that he thought it necessary to make for the late ministers from the charges in the Russian Declaration, which appeared to him to be countenanced by his majesty's present ministers; he should first observe, that there was no public document or official paper to be found, in which his majesty's ministers had countenanced or supported those charges. If, however, he was called upon to pronounce an opinion, it would be hypocritical in him to deny, that he thought the late ministers acted in many points from a very different view of the subject from that which was entertained by the present ministers. There were many points in which he agreed with what had been stated by the noble lord, and some in which he differed. He agreed with him in thinking that the late ministers could not have prevented the quarrel between France and Prussia, nor that defeat which was so disastrous to the Prussian nation; but although it was out of their power to give any effectual succour to Prussia, yet in the next campaign, which ended so unfortunately, but which began so fortunately—[Here lord Grey asked across the house, when or where it was fortunate?] He meant when the power of Russia had been brought into the field to support Prussia, then the cause of the continent appeared to be by no means in so desperate a state as the late ministers seemed to consider it. If it were allowed that the French succeeded principally by superiority of numbers, then it might be supposed that a great part of that superiority might have been taken off by proper co-operation, especially as it was allowed that Sweden was ready to co-operate with its whole strength. He agreed with the noble lord also in the principle he laid down, that he would not grant a larger loan to any foreign power than he would a subsidy, as it might be expected that such loan would fall ultimately upon this country, and that a larger sum would be asked in the way of loan than would be demanded as a subsidy. He thought the sum of six millions was too great to give to the emperor of Russia, either as subsidy or loan; but it did not follow that because that sum was too large, ministers should have drily refused him and not given any thing. It was natural for the power who asked assistance to name the highest sum, but it did not follow that if that was too great, no assistance at all should be given. Although he should have objected to 6 millions, yet, when he considered that it was a campaign upon which the last stake of Europe was depending, he should not have objected to three millions, either as a subsidy, or, if it was more gratifying to the pride of Russia, as a loan. He thought, then, the late ministers were wrong in not giving, at least, that pecuniary assistance which the circumstances required, and which our allies had a right to expect. He thought also, that, although he did not charge them with any positive breach of promise or violation of any express assurance of co-operation, yet that they had by their expressions held out a hope, and induced a belief in the allies that it was their intention to co-operate. Those hopes and expectations had been deceived, and the continent were now taught to look upon this country as a nation that goaded others, but which avoided partaking in the dangers and losses of a continental war. He thought it would have been better to have run the risk of a loss of troops, than to lose our national honour, and be considered a country which would involve others in dangers which we ourselves would decline. He also thought that the late ministers had been wrong in talking of co-operations, when they made no preparations for that purpose. So far from having a proper number of transports ready, they actually discharged in the month of March many transports, which had before been in the service of government. After a variety of observations on the other parts of the speech of the noble lord, his lordship concluded with expressing a readiness to grant many of the papers moved for; but there were some which he thought it would be improper to produce.

Earl *Moira* conceived that his majesty's present ministers had no right to ask Russia to communicate the secret articles of the treaty she had been forced to sign at Tilsit. If the emperor of Russia signed secret articles, he had pledged his honour that they should be secret, and we could not reasonably expect him to violate that pledge. At the same moment, however, and in the same breath, that we denied the power of Russia to be a fair guarantee between us and France, and rejected that mediation, we solicited it as between us and Denmark, and thought that, in that case, her guarantee was quite sufficient. If the late ministers, however, did not send an army to the assistance of Russia, it was because no army which this country could send had the smallest chance of turning the fate of the last unfortunate campaign. The greatest force that was ever spoken of as possible to attempt a diversion with, was 30,000 British troops and 15,000 Swedes. This force, collected at Stralsund, could have had but very little effect on the campaign. It would not have prevented the defeat of the Russians, and if the event of the battle had even turned out the other way, and that the French had been defeated, still that force would have been too small to throw in the rear of such an immense army on its retreat. It was impossible that this force could have acted upon the flank of the enemy, for they were covered by great rivers, the Oder and the Vistula. In such an expedition, our risk would not be merely an army, but it would be the army of G. Britain. This certainly should not be risked, unless there was a probability of gaining some most important advantage. The fact was, that the late ministers were convinced upon the fullest consideration, that the troops which they could send were not likely to produce any important effect, and that there was only one chance remaining for Europe. To that one chance they paid the utmost attention. That chance was that Austria might be brought to move, and that if the Austrian army marched down to the Lower Elbe, behind the communications of the French army, in that case Europe would have had a fair chance of its deliverance. If that chance had occurred, the circumstances would have arrived in which the late ministers would have been prepared to co-operate with a military force. Combined with the Austrians, every thing might be hoped for; but if merely combined with the Swedes, the danger that our army would run was much greater than any chance they could have of altering the fate of the campaign. It appeared from all accounts, that the French army had a superiority over the Russians of at least 60,000 men; and when it was considered in how different a manner the two armies were commanded, it could not be supposed that any reinforcement we could have sent would have out-balanced this disproportion in numbers. He utterly denied that the Russians had ever any prospect of success, although their soldiers gained immortal honour at Eylau. It was a military policy in all countries to endeavour to keep the people in good humour by giving very favourable accounts of their military successes; but the fact was, that in the battle of Pultusk, (which they claimed as a victory,) they were defeated with the loss of 80 pieces of cannon, and the Russian army would have been utterly annihilated, if the badness of the roads had not prevented a division of the

the French army from coming up in time.

Lord *Hutchinson* hoped the house would allow him to state some matters which, from the situation he had held, were within his own personal knowledge. The Russian army never had any chance of succeeding in the campaign, or even in the battle of Eylau, where they fought so bravely. The French had certainly the victory. They remained for ten days in the field of battle, and immediately after made themselves masters of the magazines at Elbing, and returned to their cantonments, where they effectually covered the blockade of several strong towns, which afterwards surrendered to them. At that time the king of Prussia retired from Konigsberg to Memel, and not thinking himself quite safe there, had even engaged a house at Riga. On the 23d of Feb. he wrote to ministers, mentioning that a French general had arrived at Memel to propose a separate peace; and if the count de Zastrow supported the idea of a separate peace, it was not because he was less attached than any other man to the cause of Prussia and the continent, but because he knew the situation of Russia and Prussia, and was convinced that they had no chance by continuing the contest. In the beginning of April he had had a long conversation with the emperor of Russia, who afterwards referred him to one of his ministers, who told him; that as soon as the Russian guards came up they would be superior in number to the French, and were determined to attack them. The Russians neither knew the force that opposed them, nor how much their own numbers in the field were inferior to their armies upon paper.—The noble lord was then proceeding to state the nature of different dispatches between him and the present ministers, when

Earl *Bathurst* rose to order. He thought it was completely out of order for any noble lord to state, at his own pleasure, all the conversations between kings and emperors, which, from his official situation, he might have heard, or to divulge the confidential communications which took place between him and his government; and if it was competent for any one individual to do so, it was equally competent for any other individual in his majesty's service.

The Duke of *Norfolk* said, that whether the noble lord acted right or not in entering into these details, they were completely relevant to the question under discussion, and therefore that he could not be said to be out of order.

Lord *Grenville* wished to know whether their lordships would submit to the doctrine, that it was quite regular, as had been done in another place, to read partial extracts from correspondence, where, by stopping short in the middle of a sentence, the meaning was altogether perverted, and that they should be debarred from the privilege of rectifying the false impressions to which this conduct had given rise? And he would ask, whether it was for those who had themselves set the example of publishing garbled extracts from official papers, which of all others ought to be considered as the most secret and confidential, to complain of his noble friend, particularly when it was recollected that he deemed it absolutely necessary to the justification of his own character, which had been most wantonly and falsely aspersed?

The *Lord Chancellor* reminded the noble lord that it was a great breach of order in that house to refer or allude to any thing which had passed in another house of parliament. And if a breach of order had been committed and permitted in another place, that was surely no reason why a similar breach of order should be tolerated by their lordships. He was clearly of opinion, that it was disorderly in any person who had been employed in a public capacity to read a part, or to disclose the contents of a public dispatch, without the leave of his majesty, to whom that dispatch was supposed to belong; and he thought that they had already gone a very dangerous length in allowing a minute of a conversation, supposed to have passed between an accredited minister and a foreign sovereign, without his majesty's permission to that effect.

Earl *Grey* contended that his noble friend was not reading a dispatch, and much less a partial and garbled extract from such dispatch, when he had, in his opinion, been most improperly called to order by a noble earl. He had been merely giving an account of his public conduct, in perfect consistency with his duty, and, as he conceived, within the rules of order by which discussions in that house were regulated. He was happy, however, to hear from so high an authority as the noble lord upon the woolsack, an admission of the impropriety and indecency of reading extracts from dispatches, which he asserted to be the property of his majesty, and he hoped that the animadversions of the noble lord upon this novel and dangerous practice, would operate as a useful lesson to those by whom it had been introduced. With all due deference, however, to the opinion of the learned and noble lord, he submitted it to the house, whether, after so foul a use (for foul he must call it) as had been made of the letters of his noble friend, he was not to be permitted to state the facts as they really stood in his own vindication, and whether, after his conduct and character had been arraigned, he was not to be suffered to wipe off the aspersions which had been cast upon him by declaring the truth, and the whole truth of the case. He must suppose, however, from what had just fallen from the noble lord upon the woolsack, that had an attempt been made to do a thing so irregular, and fraught with so much danger, as to read, in his hearing, extracts from any public and official communications unauthorized and uncalled upon, he would immediately have interrupted the person by whom the attempt was made. He would not allude to any thing that had passed in another place, but it was rather surprising, that the noble lord upon the woolsack, with these rigorous sentiments respecting duty and order, did not on this very evening admonish the noble secretary of state of his irregularity, in reading a part of a public dispatch, to which their lordships' attention had been called in the course of his speech. At any rate, after the reproof which had now been administered, he hoped that the noble secretary would kiss the rod with meekness, and receive the chastisement with humble submission.

Lord *Hawkesbury* said, that it certainly was highly irregular to refer to any thing which had passed in another place, and he conceived it to be very improper for any noble lord, who had been employed in a public capacity, to disclose the secrets of his mission; particularly without any previous communication with those to whom his dispatches were addressed. He knew of no charge or imputation that had been brought against the noble lord, and therefore he considered such a disclosure, in the present instance, to say the least of it, altogether unnecessary.

Lord *Grenville* insisted that his noble friend had said nothing which was not necessary for his own vindication from a charge which was brought against him in the Morning Post, and which was there imputed to his majesty's secretary of state for foreign affairs.

Lord *Mulgrave* reminded the noble lord, that if the Morning Post contained any thing improper, there was an authority in another place quite competent to set it to rights.

Lord *Hutchinson* continued: As soon as he found that the Russians were not likely to advance, he was decidedly of opinion, that we ought not to send a single man to the continent. He gave every degree of credit to the bravery of the Russian troops, but the French had every kind of advantage over them; and in no mission on which he might be sent would he ever deceive the country, by representing things in a different point of view from that in which he saw them. In the month of June, Buonaparte, a greater master of the art of military movements than any man who perhaps ever existed, had assembled a corps of 40,000 men upon the Elbe, upon which, in case of sustaining any misfortune, he could have fallen back, so that though at that time there had been 30,000 English and Swedes at Stralsund, they might have met with some disaster, but could have done no good.

Lord *Grenville* had looked forward with considerable anxiety to this night's discussion, to which he trusted for the vindication of his own character, and that of his colleagues, from several charges which had been brought against their conduct while in administration. His anxiety had been much relieved by the candid admission of the noble secretary of state, who in the course of his speech had deserted several of the articles of charge which had been thrown out on other occasions, but which he was happy to find were now done away. If any person had ever been so silly and so little of a statesman as to suppose that any provision could have been made for the rupture between Prussia and France, their opinion would probably be corrected by the admission of the noble secretary on this evening, that no such provision was to be expected. In addition to what his noble friend (earl Grey) had said on this subject, he had only one particular to subjoin, viz. that the Prussian minister was recalled from this country, where he had been invited to stay, as an organ of amicable communication, in the middle of August, and so rapid were the decisions of the court of Berlin, that he was apprized of the change of system on his arrival at Hamburgh. In the Russian Declaration it had been stated, that this government had not acted upon assurances which had been given of sending a military force to the continent, in order to create a diversion in favour of the allies. The noble secretary had admitted in his speech that no such assurances had ever been given; but he considered his majesty's Declaration as extremely defective, in not replying to the allegation of our not acting upon those assurances, by the assertion, the truth of which the noble secretary had admitted in debate, and which was necessary to the exculpation of the present ministers, their predecessors, and the country. He had been a good deal surprised to find no Note upon this subject in the Correspondence which had taken place between his majesty's ambassador and the ministers of the emperor of Russia. He was satisfied with the assurance of the noble secretary, that no opportunity had occurred of presenting such a note; still however, this circumstance rendered it more necessary that the calumny should be refuted in the counter-declaration. But, instead of this, ministers had left the cause of the country to shift for itself, because they could not do justice to the country without likewise doing justice to their predecessors. There was another charge from which he had been relieved—not, indeed, by the admission of the noble secretary, but by something still more eloquent—his silence. His noble friend had called upon ministers when they talked of diversions, to specify the time, place, and mode, in which those diversions ought to have been made; but the noble secretary could neither name a moment for such an attempt, nor put his finger upon a point of land to which an expedition could have been sent with advantage. So that this point, like the others, when it was touched, crumbled into dust. But, said the noble secretary, if we could not make diversions we should at least have made preparations. If a case did not occur, a case might occur. To this he thought it no bad answer for a statesman to say, that in fact no such case ever had occurred. He confessed, that from the first opening of the campaign, neither he nor his colleagues were sanguine in their hopes of success, and while they were endeavouring to counteract the fatal delusion, in which the country from long habits was too prone to indulge, he had not forgotten the pains which were taken to represent them as gloomy, spiritless, and apprehensive, because they would not condescend, by an empty shew of preparation, to court a reputation for vigour. There was only one case, in which he thought that great and ample sacrifices ought to have been made, in the event of procuring the co-operation of Austria.—But the noble lord had said, that pecuniary aid might have been afforded; that the late ministers refused even to sanction a Russian loan in this country of six millions. To this he would answer, that under the state of affairs on the continent, when facilities of raising money were required of this country, the money could not be obtained here without the guarantee of government; and, taught by the experience of a former guarantee for an Austrian loan, it behoved the late government to act with some caution before she gave another guarantee for such a sum as 6 millions, which might ultimately fall as a burthen on the people of this country. But, said the noble lord, you might have granted a subsidy of 3 millions, and you would then at least have shewn your zeal to assist Russia, and secured her good opinion, by shewing her, that you felt for her distresses. He would answer, that they were ready to subsidize, if it could have been shewn that any good was to be gained by it. Noble lords said, but why did you not at least make a shew of diversion, by collecting a large fleet of transports, and a march of troops to your coasts, in order to excite alarm in the enemy and divide his attention? To this he would answer, that the enemy knew as well as we that we could not be serious in such an enterprize, which served only to delude our ally, and encourage him to continue a fruitless contest. Still, his lordship said, the country was not without resources, and could have gone very great lengths both in military and pecuniary aids, had there been a probability of such aid being in any way useful; and as to an observation made that the late ministry should have advised Russia to make peace with France, he would not transgress the point of order so recently discussed, by stating the contents of dispatches; but if the noble secretary of state would read the Russian dispatches of the last three months, he was confident he would never again come down to that house, and rebuke him on the same ground.—The noble lord next adverted to the disastrous issue of the war and the final loss of Europe—a consequence which he did not hesitate to impute to a measure from which he was always strongly averse, and which, had not the country and the world sustained the calamitous loss of a great statesman now no more, probably might not have happened, namely, the last continental coalition of the powers of Europe in 1805, stirred up by this country to a renewal of the war against France, at a time when they were actually unprepared for such a contest. The utter defeat of Austria was one of the first fruits of that conflict, which was commenced in direct opposition to the opinion and advice of the ablest authority in the German empire, and that defeat had been followed by the complete subjugation of the continent to the power of France. He concluded by expressing his confidence, that the house and the country were now satisfied; and that he should never hear it urged again, that any thing done, or omitted to be done, by his majesty's late ministers, had any thing to do in the causes that led to the subjugation of Europe.

Lord *Mulgrave* replied briefly, and contended that a successful diversion might have been effected by a timely supply of troops from this country.—The question was then put, and agreed to without a division.

HOUSE OF COMMONS.

Thursday, February 11.

Droits of Admiralty.] Sir *Francis Burdett* said he would not take up the time of the house by any prefatory remarks to the motion which he was about to submit; for that motion being the ground of a parliamentary proceeding, he conceived that it would be consented to without opposition. He should therefore content himself with simply moving, "That there be laid before the house an account of all captures made at sea by the naval forces of this country, which were claimed to remain, and which did remain, at the disposal of the Crown since the year 1792, specifying each capture and its amount, with the particular appropriation of the proceeds thereof."

The *Chancellor of the Exchequer* doubted whether the specification of every individual capture could be obtained. At any rate, such a specification would require considerable time to prepare. He entered into an explanation of the right of his majesty to these Droits, which resolved itself into two distinct parts: the right of the crown, and the right as lord high admiral. If any complaint were made with respect to the mode in which the fund had been appropriated by the crown, that might form the ground of parliamentary enquiry and reprehension; but with regard to the fund itself, the right of the crown to the appropriation of it was unquestionable. A considerable proportion of this fund had been granted to captors under various circumstances; many grants had been made for the public service; and, it being completely under his majesty's controul, grants had also been occasionally made for the benefit of the younger branches of the royal family. None of these appropriations could be characterized as misapplications. The hon. baronet had an undoubted right to know what was the gross amount of that fund, and what part remained undisposed. If, on the production of those accounts, the hon. baronet should require an account of the mode in which the fund had been appropriated, the house would doubtless expect some strong allegations before they would consent to his request. For these reasons, and to facilitate the attainment of the hon. baronet's object, he submitted to him the propriety of confining his motion to the total amount of the captures from the period mentioned by him, and of that part of the proceeds of those captures which remained undisposed of at the present time.

Sir *F. Burdett* had no objection to follow the line chalked out by the right hon. gent.; for the great object he had in view at this time was to have the amount before the house. He had not, indeed, as yet stated any facts of misapplication; yet he apprehended the house would not endure that so large a sum should be at the disposal of the crown, without any inquiry, even although it should be admitted that the crown had the legal right, of which, however, considerable doubts were entertained.

Sir *C. Pole* expressed his approbation of the motion of the hon. baronet, for all his reflections on the subject convinced him that the admiralty court ought to be upon a new footing.

The *Advocate General* observed, that the admiralty court had nothing to do with the subject of this motion. Before the house proceeded any further in it, it was proper that it should know what grounds could be made out for an inquiry. The captured property came to the king in a double capacity. That which was seized before the declaration of war, and the issuing of letters of marque and reprisals, belonged to him *jure coronæ*. That which was captured afterwards was his as lord high admiral, whose rights accrued to the crown when the office was put into commission. But it was the custom to give up what part belonged to him in this capacity, or, after the issuing of reprisals, to the captors. Another species of property was that which was captured in port, or by such as were not licensed captors. This was properly the Droits of Admiralty, and belonging to the king in virtue of the office of high admiral. In 1795, when the French made an irruption into Holland, encouragement was held out to the inhabitants to remove to a neutral country, and if they did this, the property detained here on that occasion was to be restored to them. But as they had not done this, it was condemned to the crown as taken before reprisals. The Spanish property seized before reprisals in 1796, was also condemned as the Droits of the Admiralty. On the breaking out of the war in May, 1803, hostilities were not commenced against Holland till the 16th of June following; Dutch property, however, was detained in the mean time, and afterwards condemned as prize to the crown. Spanish, Prussian, and Danish property was condemned under similar circumstances, the captors having no claim; and in case of a convention to restore it at the end of the war, the crown would be bound to do so. But no convention of that sort existed, and consequently the property remained at the disposal of the crown. Then how was it applied? A moiety, or perhaps two-thirds was granted as a reward to the captors—a circumstance that must be pleasing to the hon. baronet (Pole) who was so anxious for the interests of the naval service. Another part had been applied to the relief of the public exigencies of the state, to the extent of two millions—one having been granted some time ago, and another lately. Part had been applied to the relief of those who had suffered from the breaking out of the war. The Spanish government had sequestrated property belonging to this country, which, by a stipulation in the treaty of Amiens, they had engaged to restore. This was not done, and some of the captured property belonging to the crown, was applied to the relief of the sufferers. Another part had been granted to captors who had not been allowed to act under the ordinary discretionary powers; and another to those who had suffered from the insolvency of captors. These had been the different modes in which this property had been disposed of. But he did not by any means wish to keep out of view, that a very small part of it had, out of his majesty's grace and liberality, been conferred on the younger branches of his family. Was he the only father in the kingdom who was not to be allowed to make grants out of funds, appertaining to him by law, to his own children? If any thought so, he was not ashamed to say that he differed from them. The house would dispose of the motion as it pleased, but no instance of misapplication had been stated; no grounds of inquiry had been laid. The house was competent, certainly, to go into such an inquiry, but in his opinion no reason had been assigned for the exercise of its right on the present occasion.

Mr. *Lushington* perfectly agreed with the last speaker, that this motion had no reference to the Admiralty Court. He also agreed with him in the greater part of what he said relative to the right of the crown to this property; but differed from him materially as to the constant propriety of the application. One instance of misapplication he would state to the house. An hon. baronet (sir H. Popham) whom he saw in his place, had, in the year 1787, obtained leave of absence on half pay from the naval service, in which he was then a lieutenant. He went to Ostend, and there procured a ship, the Etrusco, bearing the Imperial flag, in which he freighted a cargo for the East Indies. He there exchanged his vessel for an American ship, and carried a cargo to Canton in China; having taken in a fresh cargo there, of which a French supercargo at Canton had a share, he sailed first for Ireland, and from that to Dungeness, where he landed goods, or, in plain English, smuggled them. Lieut. Bowen of the Brilliant frigate, capt. Robinson, seized the ship in Ostend Roads, after a person had escaped on shore with part of the goods. This vessel was brought to judgment in the Admiralty Court. During the proceedings, the hon. baronet claimed his share of the cargo and freight; but when it became necessary to serve a process of the court upon him, he was not to be found, and, in short, had absconded. The ship was condemned; but for all the trouble, the inconvenience, and loss of time occasioned in the prosecution of the business, capt. Robinson did not receive one shilling. Yet afterwards, in consequence of a treasury warrant, signed by the marquis of Blandford and Mr. Long, founded upon a report for that purpose, reluctantly signed, as he understood, by the right hon. gent. (the Advocate-General) 25,000*l.* was restored to the hon. baronet; being the amount of his claim, and that too without deducting from it any of the expences of the process. It was some time, indeed, before the right hon. gent. (the Advocate-General) could be induced to give a recommendation to this effect, and his scruples were highly to his credit. These circumstances formed part of the Records of the Admiralty Court, but he had only seen the papers that morning. Here, then, was an application of a large sum as a reward for a violation of the laws of the country. He was glad, therefore, that a disposition appeared to examine this subject, but he thought the business would be very imperfectly done unless the house attended to the application of the money, which was, perhaps, the most material point of the whole.

Sir *Home Popham* observed, that having been thus personally attacked, he could not but offer a few observations in his own vindication. Although, if the hon. gent. who had thrown out such aspersions as had never been used in that house, had given him any previous intimation of his intention to bring forward circumstances in which he was particularly concerned, he would have been better prepared to meet his statement. He would, however, now advert to a plain and well known fact. The house would recollect he went to the East Indies at a period of profound peace, and had been there employed in the service of the East India Company. If the hon. gent. would consult the records of the India House, he would find that lord Cornwallis, the Governor General, and the Council, had recommended him strongly to the Court of Directors, and said that he had deserved that the directors should apply to the Admiralty to promote him. He had besides received acknowledgments and presents for his services. If, from his anxiety to be actively employed, and to gain experience in his profession, he had in a moment of irritation gone out to India under a neutral flag (which perhaps he now regretted), he had only followed the example of many other naval officers, and he could not help thinking it strange, that after the lapse of more than 20 years, he should thus be singled out for peculiar animadversion. He trusted he might be allowed to say, that his exertions in India must have been of a very extraordinary nature to induce the Governor-General in Council to recommend him at home as he had done. By the term 'extraordinary,' he meant only that those services had been of a description which were deemed deserving of marked approbation. He trusted also, that in no action of his, had he had any sort of connection with smugglers, as stated by the hon. gent. or that he had even violated the laws of the country, without having at the same time done something, which more than compensated for the injury sustained.

Mr. *Sheridan* fully agreed with the hon. captain, that after the attack which had been made upon him, the matter ought not to rest there. It was due both to the house and himself, that the matter should be investigated. He also agreed, that his hon. friend behind him might have given some notice of his intention; but then it was to be observed, that he had only read the papers that morning, and had stated the facts upon an occasion which had suddenly arisen. But if it was necessary to have this affair inquired into, upon the statement of his hon. friend, it was much more so after the defence of the hon. captain. The hon. captain stated, that he had done as many other officers had done, sailed under a neutral flag, in a moment of irritation, for the purpose of obtaining professional knowledge and experience. He had heard of other officers who had done so, but then they had engaged in the wars of foreign powers; how the hon. captain could increase his professional knowledge by landing teas at Dungeness———

The *Chancellor of the Exchequer* called the right hon. gent. to order; it was impossible for him to sit still and hear an attack upon any member under such circumstances; it was not consonant to the rules of justice which ought to be observed to every man, that a conversation arising collaterally should be brought forward, and carried on by remarks uttered in the tone and manner used by the right hon. gent. To what purpose was this done? Was there a motion before the house, the event of which would be to censure or acquit the hon. captain? He appealed to the right hon. gent.'s own candour on the subject; for he was sure that he was the last man who, on cool reflection, would persevere in any unfair or illiberal line of conduct.

The *Speaker* expressed his opinion, that by abstaining from any further remarks on this part of the debate, the house would best consult its own dignity.

Mr. *Sheridan*, though he did not complain of the right hon. gent. for having interrupted him, must contend that he was strictly in order. The learned gent. opposite having asserted that there was not a single instance of misappropriation of the fund under discussion, his hon. friend who was in possession of a flagrant instance of misappropriation, and who knew that the hon. knight was in his place to defend himself, had stated that instance. Having heard the hon. captain's answer, in which he did not deny the accusation, an accusation founded not loosely, but on recorded facts, it appeared to him, and he was justified in arguing that the subject ought to be most narrowly investigated. With regard to the subject more immediately before the house, if the Droits were originally his majesty's undoubted right, still in progress of many wars, they might have amounted to such a sum, that it would be necessary to revise the right, and to say whether or not it was safe to trust the disposal of so much money out of the controul of parliament. He should add only a few words on that part of the question which related to the application of the money arising from these Droits. He had no hesitation in saying, that he not only did not censure, but he cordially concurred in, and approved of that part of the application this day avowed by his majesty's Judge Advocate, namely, his majesty's gracious gifts to the younger branches of his illustrious family. So far was he from objecting to these acts of his majesty's paternal generosity, that he lamented that his majesty's royal munificence had been confined to the younger branches of his august family. Had the heir apparent participated in it, he believed the house and the country would have not merely been satisfied, but gratified; for never must it be forgotten, that the prince had an unliquidated claim, which, greatly to his honour, feeling for the public burthen and the difficulty of the times, had been, by his royal highness's express desire, suspended, but not abandoned; he meant the arrears of the Duchy of Cornwall: that debt still remained indisputably due, either from the sovereign or the public; and, towards the discharge of that debt, he could not conceive an application of the funds now under discussion, more grateful to the people, than in part directing them towards that object. His majesty's munificence towards the younger branches of his august family, was an act of bounty, in the latter case it would be an act, not of bounty merely, but of justice.

The *Advocate General* said, that this property was not property condemned to the crown, but came by a forfeiture, which on good grounds might justly be remitted. The ground on which he recommended the grant to the hon. captain, was this. He had gone to Ostend, and from that sailed under a foreign flag to India. If he was restrained as a British subject from doing so by the law of his country, unquestionably this was a violation of it. But it was perfectly well known to the Indian government, that he was there, and it was the policy at that time to encourage exportation from India in foreign vessels. Whatever offence had been committed, was against the East India Company, and as they had by implication remitted it, he thought himself justified in recommending the remission of the forfeiture.

Mr. *Tierney* called the right hon. gent. to order, as he was entering upon a defence of the hon. captain, instead of confining himself to the facts for his own justification.—Some discussion arose here about the question under discussion, whether it was the original motion or the amendment suggested by the chancellor of the exchequer, and in some measure assented to.

Lord *Folkestone* said, he thought the debate should proceed on the original motion; for he was sure the hon. baronet who made it, wished to have a full and complete account of those Droits, and also of the application of the money arising from them. The original motion would, in his opinion, effect this; but he did not think the amendment would, and therefore he thought the original motion should be persisted in.

Sir *F. Burdett* said, that in making the motion, he certainly wished for the fullest discovery as to the Droits, and also the application of the money arising from them: it was matter of very great importance, and which he, as a member of parliament, thought he had a right to demand. From the candid and liberal manner in which the the right hon. the chancellor of the exchequer had expressed himself, in introducing his amendment, he felt extremely inclined to accede to it; but from the unexpected turn which the debate had taken, and the disclosure of so extravagant and flagrant a misapplication of a certain part of the money arising from the proceeds, his opinion was greatly altered, and he thought his duty required that he should persist in his motion as it had been originally introduced.

The *Advocate General* proceeded to state, that the hon. captain, when in India, was known to persons in the highest offices there to be a British subject; that he was very much countenanced by them, and in consequence of the services he had rendered the East India Company, by taking the soundings of Prince of Wales's Island, and other parts in those seas, he had received such recommendations to the Court of Directors, as had procured him some very valuable presents from them. From India he had, however, sailed to China, and at Canton had taken in a cargo of tea without any licence from the India Company, which rendered the transaction a breach of the law, and as such the cargo was liable to forfeiture; but it was not a Droit of the Admiralty; it was not what had fallen to the king as a capture in time of war, but was merely what became vested in his majesty as a forfeiture, in consequence of the cargo being illegal, for want of a licence from the East India Company. With this cargo of tea, the hon. baronet was proceeding to Ostend, in the ship Etrusco, when she was met with and seized by his majesty's ship the Brilliant; and the ship and part of the cargo were condemned, for the benefit of the captors; but this part of the cargo, which was the property of the hon. captain, became vested in the king as a forfeit; and under all the circumstances of the case, it became a question whether it was a fit forfeiture for the crown to take advantage of. On a mature and deliberate consideration of the case, he was of opinion that it was not; and therefore he advised the remission of it, which accordingly took place. As he had before stated, this fund was given to the king for his sole use; and he had out of it made several grants for public and national purposes. He had also granted several sums out of it for the use and benefit of the younger branches of the royal family; and he thought his majesty had most undoubted right to do this, unless it should be expected that he should be the only father of a family in this country who was not at liberty to shew pecuniary favours to his offspring. There might be those who thought otherwise; but he was not ashamed to say, that he differed entirely with them on that head. He begged pardon for so long a trespass on the time of the house; but thought it necessary to state these circumstances, as it had been said, that he felt a reluctance to sign the warrant of remission.

Mr. *Lushington*, in explanation, said, that he had heard it was with reluctance that the right hon. gent. who spoke last had signed the warrant for the restitution of the property of the hon. captain, and he had stated it as a fact which he thought highly honourable to the character of the right hon. and learned gent. With respect to what had been said by the hon. captain, as to his having brought forward this subject thus suddenly, without having given him any intimation of it, the fact was, that he had heard of this transaction some time ago, and finding the motion which had been made was to come on that evening, he had purposely gone to the Admiralty to look into the records of this transaction; that this had taken up so much time, he was not able to get down to the house till the motion was made, and then, not knowing the hon. capt. by sight, he had even asked one or two of his friends if he was in the house, who told him that he was. Had the hon. captain been absent, it was his intention to have stated the transaction without mentioning names, and have left that to some future occasion. As the right hon. and learned gent. had however expressly stated, that no misapplication of the money arising from this fund had taken place, he thought it his duty to mention it in the way he had done, as he thought it a most glaring and flagrant misapplication, and what ought to be more particularly enquired into.

Mr. *Brand* said, he thought this motion was intended to come at a very important fact, viz. the amount of the proceeds arising from these Droits; and, as such, he would vote in favour of it: the amendment being, in his opinion, a colourable pretence for weakening and curtailing the effect of it.

The *Chancellor of the Exchequer* rose for the purpose of proposing his amendment; but

The *Speaker* told him he could not speak to the whole motion, having spoken before, and must therefore confine himself to explanation.

Mr. *Huskisson* then rose, and moved an amendment to the following purport, "That there be laid before this house, an Account of the nett proceeds paid into the Registry of the Court of Admiralty, or to the Receiver General of Droits, of all property condemned to his majesty as Droits, either in right of his crown or in right of the office of lord high admiral, since the 1st of Jan. 1793, and of the balance now remaining therein."

The *Chancellor of the Exchequer,* in explanation, said, that so far from the amendment being a colourable pretence to weaken or curtail the effect of the original motion, it would have the direct contrary tendency; for the hon. baronet's intention would be more fully answered by it, than by the original motion. The hon. baronet wanted to obtain the fullest discovery of the amount of droits, and this the amendment would procure most effectually; and it would be only to wait a few days, and then he might, when he was in possession of the amount of this fund, move for an account of the application of it. He had before stated, that this fund, whether wisely or unwisely, was not then the question, had been left to the sole disposal of the crown. If, however, that house or any member of it was of opinion that this fund amounted to such an enormous sum as ought not to be vested in any one without the controul of parliament, and wished to bring the subject under the consideration of the house, such member had a right to move for such accounts as would be necessary to bring the question properly before the house. If the question arose out of the amount of the sums of which this fund consisted, then it was necessary to know what those sums were, and when that was once given, the next question would naturally arise, as to its application. As to the instance which had been mentioned of the hon. captain behind him, part of the cargo, which was his own property, became forfeited to the crown from a breach of the law in a case which the East India Company might have licenced, and in consequence of the services which the hon. baronet had rendered the crown and his country, also from his services while he was in India, it had been thought fit, under all the circumstances of the case, to remit the forfeiture; but the remission of a forfeit was nothing like a grant of droits, and therefore he thought not at all applicable to the present debate.

Mr. *Adam* said, he wished as much as any one that this question should come to a full and complete issue, and this could only be attained by procuring an ample and perfect account of the amount of those droits; and it was his opinion that the motion made by the hon. baronet could not attain that object. He thought at the same time that the amendment was capable of effecting it; but still he thought that was in itself defective, inasmuch as it did not go to the application of the money arising from those droits. Would that be proper at the present moment? He thought not, but that it would come with better effect after the house had obtained the amount of the fund in question. He was of opinion that the transaction which had been mentioned by his hon. friend near him ought to be inquired into, but not in this way. The droits of the Admiralty had been left at the sole disposal of the king; and in 1795, his majesty gave for public purposes the money arising from several Dutch prizes, which amounted to a million; and the house by their acceptance, had sanctioned the right of the king's disposing of those droits which way he thought proper. Still, however, this fund appeared to be too great to be possessed by any one without being subjected to the controul of parliament, especially if it could be shewn that there had been any instances of a misapplication of the money arising from it. He hoped, therefore, the hon. baronet might be induced to withdraw his motion, and let the amendment be adopted, which in his mind would more completely answer the purposes he wished to attain.

Sir *C. Pole* disapproved of both the original motion and the amendment, and proposed a motion of his own, by which the gross proceeds and net proceeds were required to be stated in distinct columns, &c. Alluding to the delay in the distribution of prize-money, he instanced an officer who had received, only last May, his share of prize-money, for a vessel captured twenty years ago.—The house then divided, when there appeared for the Original Motion 57. For the Amendment 82. Majority for the Amendment 25.

List of the Minority.

Abercromby, J.
Agar, E. F.
Anstruther, sir J.
Baring, T.
Baring, A.
Bouverie, E.
Bradshaw, A. C.
Brand, T.

Byng, George
Calcraft, John
Calcraft, sir G.
Cavendish, lord G.
Cavendish, Wm.
Cavendish, G. H. C.
Cocks, E. C.
Combe, H. C.
Creevey, T.
Cuthbert, J. R.
Eden, W. F.
Folkestone, viscount.
Grattan, H.
Greenhill, R.
Harvey, E.
Hibbert, G.
Horner, F.
Hurst, R.
Ingleby, sir W.
Lamb, W.
Lloyd, J. R.
Longman, G.
Lyttleton, W. H.
Macdonald, J.
Markham, J.
Martin, H.
Miller, sir T.
Mills, C.
Mills, W.
Moore, P.
Newport, sir J.
Orde, W.
Ossulston, lord
Petty, lord H.
Pole, sir C. M.
Ponsonby, F.
Ponsonby, G.
Prittie, F. A.
Pym, F.
Russell, lord W.
Shakespeare, A.
Sharpe, R.
Shelly, T.
Sheridan, R. B.
Tierney, G.
Ward, J. W.
Wardel, W. L.
Whitbread, S.
Windham, W.

Tellers.

Burdett, sir Francis
Lushington, S.

Exchequer Bills Regulation Bill.] Mr. *Huskisson* moved the third reading of the bill for regulating the issuing and payment of Exchequer Bills. The bill was read a third time, after which,

Mr. *Horner*, adverting to the circumstance of the creation of a new place, that of paymaster of exchequer bills by this bill, and the establishment of new modes of contracting for the circulation of exchequer bills, said, he did not mean to object to either in that stage of the bill, but felt it his duty to call the attention of the house to one clause in the bill, which appeared to him of much more serious consequence. The clause he alluded to was that which exempted persons who might contract under the bill, for the circulation of exchequer bills, from the operation of the 22d of the king, which disqualified all contractors from seats in that house. He therefore should move to have that clause left out of the bill.

Mr. *Huskisson* shewed that the clause alluded to, had been copied verbatim from the annual bill, authorising the issue of exchequer bills upon the land and malt taxes. The clause extended only to protect the directors of the bank, with which corporation alone it was proposed to make arrangements for the circulation of exchequer bills. No new office was created by the bill, that of paymaster of exchequer bills having been in existence under the former bills. The object of the bill was to make permanent regulations for the issue and payment of exchequer bills, and to correct the inconsistencies, which in many instances existed between the provisions of the old bills and the modern practice respecting exchequer bills. Besides, the 22d of the king could not be construed to extend to persons who were not contractors for procuring something for the public service, but merely agents for circulating exchequer bills; otherwise every holder of an exchequer bill would be disqualified for a seat in that house.

The *Chancellor of the Exchequer* said, the clause objected to was a verbatim copy of the clause inserted in every bill, since the first adoption of exchequer bills; and that it merely meant to protect the bank, as agents for the lending of money upon exchequer bills. No objection to this clause had ever been made before; no actual abuse of it had ever yet been imputed, during 60 years; and therefore he saw no ground for the present apprehensions. Ministers would not probably bring into that house the brokers employed to circulate exchequer bills.

Mr. *Sheridan* said, the enormous extent to which those bills were issued of late years, was a ground of apprehension, from the increased power this would give to ministers. He stated that, to many of the public offices, viz. to the Treasurer of the Navy, instead of cash, the sums to be disbursed for the payment of seamens' wages, naval expenditures, &c. were sent down in exchequer bills, with directions that they should be converted into money by the regular treasury broker, Mr. Goldsmid. Mr. Goldsmid's profits, by this species of brokerage, were enormous in the course of the year; and though he might have no objection to see a man of his respectable character a member of that house, yet he did not wish to have the field opened for others. He considered the clause as a virtual violation of the letter and spirit of the 22d of the king, which excluded from the house all public contractors. Ministers avowed, that this clause was merely to protect the Bank from the operation of that statute. They were already protected by another law; it was, therefore, superfluous.

Mr. *Rose* defended the clause as being precisely the same as had been always adopted in bills of this nature. The idea of influence such as rendered men incapable of sitting in the house of commons on account of contracts, could not apply to the purchasers of exchequer bills, unless they were what might be called brokers of them.

Lord *H. Petty* opposed the clause, and said that the house should be jealous of all possible encroachments upon its purity and constitutional independence; and in compliance with the spirit of that act which excluded from parliament all public contractors, ministers were called on in proof of their sincerity, not to insist on retaining a nugatory clause for a purpose already provided for by another law.

Mr. *Adam* was of the same opinion. He gave a history of the act of 1782 by which contractors were disabled from sitting in parliament. The part of the bill which made exceptions in favour of the directors of the bank and other public bodies, was adopted on his suggestion. He thought the clause in question an unnecessary act of power, which would create jealousy in the public, and produce no good whatever, for the bill would be complete without it; and therefore he recommended it to be left out.

The *Chancellor of the Exchequer* admitted, that he saw at present no strong reason for retaining the clause, nor was he aware, until this night, that it was liable to any strong objections. However, he was willing to adjourn the further proceedings until to-morrow. He should, in the mean time, re-consider the subject, and if he saw no sufficient reason for retaining the clause, he should not then oppose its expunction. —The third reading was accordingly postponed.

HOUSE OF COMMONS.

Friday, February 12.

Account of Sums issued out of the Exchequer.] Mr. *Henry Martin*, pursuant to notice, rose to move, "That there be laid before the house, an Account of all sums of money which have been issued to any persons between the 5th of Jan. 1793, and 5th of Jan. 1802, out of his majesty's Exchequer, or by the Paymaster of the Forces, without other account than such as should be rendered thereof to his majesty, or to the lords commissioners of his majesty's Treasury for the time being, specifying the persons to whom, the times when, and the services for which all such sums have been issued; together with a list of the persons who have rendered accounts of any of the said sums to the lords of the treasury, specifying the times when such accounts were respectively delivered, and the times when any, and which of such accounts, have been passed." This was part of a motion which he had made in the last session, though he had, on the suggestion of the difficulty of making out the account in its more extended form, consented to narrow his motion in that instance. As it was material that the house should be in possession of every information respecting that part of the public expenditure to which his motion referred, he felt it to be his duty to bring it forward at this early period of the session in the whole extent of his original proposition. As he was not aware of any objection that could be made to the production of the papers he called for, he should barely submit his motion to the house.

A conversation of some length took place on the question being put, in which the Chancellor of the Exchequer, Mr. Huskisson, Mr. Rose, and Mr. Long, though they had no objection to the principle of the motion, yet put it to the hon. gent. whether, as this object was to be brought under the consideration of the Finance Committee, he would not delay pressing any motion upon it, till that committee should have reported thereon. They likewise stated, that to call for these papers, in this instance, when the different offices were engaged in complying with the precepts of the Committee of Finance, would be productive of much inconvenience, and even if they did order them, it would take a year at least to make the return to the order; that it was impossible, in many instances, to comply with the terms of the motion, particularly as to the dates at which the accounts had been separately examined, there being no entry in the minutes to that effect, and the practice having been, before the adoption of the existing regulations, for either of the lords commissioners of the treasury, as the occasion might serve, to examine any of the accounts given in to the treasury. They observed, too, that the order of last session had been complied with in 34 days after it was made, because by the regulations acted upon since the year 1802, the accounts were filed in the offices, and there was no difficulty in taking them off the file to return to the order of the house; but as no such regulation existed previous to that period, there would be much difficulty, inconvenience, and delay, in rummaging the offices in order to comply with the order of the house. Upon these grounds, they put it to the hon. gent. whether he would still persist in pressing his motion at present.

Mr. Martin, Mr. Calcraft, Mr. Tierney, and sir John Newport, considering the importance of having these accounts brought under the notice of parliament, thought that the motion ought to be complied with, as any trouble that might be occasioned by a compliance with the order of that house, would fall upon the servants of the public, in the discharge of their regular duty, and certainly such inconvenience was not to be considered in the exercise of the constitutional control of that house, upon all matters of account touching the public expenditure. If the return could not be made till after a long interval, then it was the more necessary that the order should be made to call for it so much the earlier. As to the investigation of the subject by the Committee of Finance, they had reason to think, that none of the accounts referred to in this motion, were laid before that committee; and though the papers could not be produced during the present session, that was not a reason why the motion should not be complied with. If the return should not be made this session, or according to the terms of the motion, it would next session, and conformably to such documents as might be found in the offices, and the hon. mover might in the next session, bring forward any proposition which it might be his intention to ground upon the return.—Upon an understanding to the effect of the latter statement, the Chancellor of the Exchequer acceded to the motion, and an order was made for the production of the Account.

[Exchequer Bills Regulation Bill.] On the house proceeding to the order of the day for resuming the adjourned proceedings upon the third reading of the Exchequer Bills Regulation bill, a short discussion took place between the Solicitor general, Mr. S. Thornton, Mr. Huskisson, sir A. Piggott, Mr. Sheridan, and Mr. Horner, which terminated in the erasure of the clause objected to, and the adoption of an amendment moved by Mr. Horner, for confining the protection from the disabilities imposed by the 22d of the king, so far as the contracts under this bill might subject thereto the governor, &c. of the bank of England.—The bill was then passed.

HOUSE OF LORDS.

Monday, February 15.

Orders in Council.] Lord *Auckland* rose, for the purpose of calling the attention of their lordships to a subject, perhaps of as much importance as any that ever came before them. It must, he said, have occurred to every noble lord, that the issuing of these Orders in Council had set up a new and unprecedented system of warfare, which, from the immense magnitude and importance of the subject, required the most mature deliberation. In calling their lordships' attention to this subject, he wished them to bear in mind five points. He must suppose, in the first place, that ministers previous to issuing these Orders, had satisfied themselves with respect to their legality, both as relating to the law of nations and to the statute law; he must also suppose, secondly, that they were satisfied that there was a justifiable ground for issuing these Orders; thirdly, that they were also satisfied that it was expedient to apply that ground; fourthly, that the manner and time of issuing them were precisely those which were proper: the fifth point was of a more trifling nature, but upon which their lordships, perhaps, might have a great deal of trouble; he meant the intelligibility of the Orders. Before, however, going into a discussion on these points, he thought it necessary to state the circumstances connected with the subject. On the 21st of Nov. 1806, the French Decree of Blockade was issued at Berlin. It was soon found, that however boasting the terms of this decree were, it was not intended to be executed. The American minister at Paris, general Armstrong, having made an application to the minister of marine, in the absence of the minister for foreign affairs, received for answer, on the 26th of Dec. that it was not intended to be applied to American vessels, nor to interfere with the Treaty of 1800 between France and the United States. On the 31st of Dec. the Treaty was signed between this country and the United States, previous to which, however, his noble friend (lord Holland) and himself, received his majesty's commands to sign a declaration relative to the French decree, which was delivered to the American plenipotentiaries, and which was perfectly well known. Then came the Order in Council of the 7th of Jan. 1807. It had been said, that this Order contained expressions which recognised the principle assumed in the orders of the 11th Nov.; he contended, on the contrary, that the principle of the former order was merely the rule of 1756, according to which the enemy was not to be allowed in time of war the benefit of trade which had no existence in time of peace; thus, the object of that Order was to prevent neutrals from carrying on a trade between the ports of the enemy, including under the term enemy, those countries under his influence. This was the principle of that Order, and no abstract expressions in it ought to be taken for the purpose of making it appear to have any other object which it had not. On the 17th of Feb. a message was sent by the President of the United States to the Congress, stating the satisfactory explanation, with respect to American vessels, which had been given of the French decree by the French government. In July a bill passed their lordships house for continuing the effect of the provisions of the former treaty with the United States, without comment or observation. On the 26th of Oct. the Message from the President of the United States to Congress again stated the satisfactory explanation of the French government respecting the Decree, as affecting American vessels; but 8 days before that, the 18th, there was a Note from Messrs. Monro and Pinckney to Mr. Secretary Canning, which was before the house, and which purported that they were satisfied with respect to the explanation given of the French Decree. Notwithstanding this, however, the Order in Council of the 11th of November was issued, and upon what grounds?—it was said as a measure of retaliation: but the justification failed, inasmuch as the French Decree had not been executed. With respect however, in the first instance, to the legality, he apprehended that the Orders in Council were in violation of the law of nations, which clearly prescribed that neutral vessels should not be molested in entering the ports of an enemy, unless those ports were actually blockaded, or unless such vessels were carrying contraband of war. He apprehended, also, that they contained a breach of the statute law in the trade which was allowed to the islands of Guernsey and Jersey, and the Isle of Man. As to the grounds which he had heard alleged as the justification, or as proving the expediency of these Orders, he did not think that any one of them at all supported the measure. To talk of starving France, who was in possession of a continent producing every thing, appeared to him to be a most absurd proposition. How were we to effect it, and was it not to be apprehended that by attempting to starve France we might at length teach her to make those articles which she had previously bought of us? There could not, in his opinion, be a worse argument used than, that, because France had issued a decree against neutral commerce, therefore we were to do the same by way of retaliation. The French decree against neutrals could not be executed for want of power, and it seemed as if the effect of our Orders in Council would be to carry that decree into execution by destroying the trade of neutrals. Was it expected to derive any revenue from this measure? he did not think the revenue to be derived from it would be worth 500*l.* We placed neutrals between confiscation and confiscation; if they went to an enemy's port without first paying duty here, they were to be captured by our cruizers, and if they came here and paid duty, then they would be confiscated if they went to the ports of the enemy. How, then, was it to be expected that any revenue could be derived to this country from such a measure, under such circumstances? There was something absurd in the very titles used with respect to this subject; thus, in the copy sent to him of the Orders in Council, they were stated to be the Orders for regulating the navigation of the seas, and now he had heard of the Continental Blockade bill. These were high sounding titles, but how would these measures really affect our commerce? He observed, from the returns on the table, that the exports from the United Kingdom, including Ireland, had, for the last 3 years, amounted to 125 millions. What they might amount to by the same period in 1808, under the influence of these Orders, was a subject to him of anxious consideration. In what manner did these Orders affect the West Indies? He thought that the obvious policy would have been to have precluded neutrals from trading in the produce of the enemy's colonies; and this upon the just principle, that a neutral had no right to a trade during war to which he was not entitled during peace. Ministers had, however, adopted a directly contrary principle, and had expressly allowed neutrals to trade with the enemy's colonies. An opposite policy would, he conceived, have tended to relieve the West India interest from that pressure which now affected them, in consequence of the superabundance of produce beyond the demand. The provision in the Orders respecting the warning to be given to neutral vessels, he considered as tending to harass them, as well as that relative to certificates of origin, rendering vessels having them liable to capture, which he considered a peculiar hardship. The whole of this measure reminded him strongly of what was said several years ago respecting Frederic of Prussia, that it would not be surprising if, in the extravagance of his projects, he should issue an order directing all English vessels to come to Memel and pay duty, before they went any where else. His lordship instanced the supposed cases of six American vessels, under different circumstances, which would all, under the operation of these Orders, be liable to capture, detention, or the interruption of their voyages; and concluded by moving, "That the house should resolve itself into a committee, to consider of the Orders in Council."

Earl *Bathurst* requested the indulgence of their lordships, whilst he endeavoured to explain the reasons and motives on which the Orders in Council were founded. With respect to the Order of the 7th of Jan. he contended that it did distinctly assert the right of his maj. to adopt further measures of retaliation, if France did not in the mean time recede from the violent pretensions on which the Decree of the 21st of Nov. was founded. France had not receded; but on the contrary, the head of the French government had ordered a more rigorous execution of the Decree, and therefore the Order of the 11th of Nov. and the subsequent Orders, became necessary. If the principle stated by the noble lord was to be taken as that of the Order of the 7th of Jan. then it went much farther than the Order of the 11th of Nov.; because the former asserted a permanent right of preventing, during war, all trade between one port of the enemy and another, whilst the latter measure arose out of the violence of the ruler of France, and with that would cease. The noble lord had quoted a letter from Messrs. Monro and Pinckney, for the purpose of proving that they were satisfied with the explanation of the French Decree; but that satisfaction arose out of the explanation given in Dec. and which was given without any authority, and was merely the opinion of the minister who gave it. Subsequently, upon an application made to the Grand Judge in August, it was stated, that the Decree applied equally to all neutrals, and that one neutral could not be distinguished from another. From this, and from other parts of the conduct of the French government it became manifest, that the Decree was to be rigorously executed. Under these circumstances his majesty's government thought it their duty to adopt a measure of retaliation, upon what he conceived to be a clear principle of right, that when one belligerent adopted measures for the purpose of embarrassing the commerce of another belligerent, the latter had manifestly the right of retaliating by embarrassing the commerce of the former. It must have been in this principle that the Order of the 7th of Jan. was issued, and that Order affected neutrals in a much greater degree than that stated by the noble lord, because under that Order, which prohibited a trade between one of the enemy's ports and another, a neutral vessel trading, as was generally the case, with part of her cargo to one of these ports, and part to another, or taking in part of a cargo at one port, and intending to take the remainder at another, was liable to capture in thus going from port to port, or at least to be brought into one of our ports, and subjected to great delay and expence; and in most instances of this nature, which had come before the Board of Trade, it had been found expedient not to break in upon the general principle adopted in that Order, and therefore not to grant licences for any voyages of that description. The Order was besides evaded, and turned to the advantage of the enemy in carrying on a circuitous trade through this country, as in the instance of a cargo of wine from Bourdeaux destined through this country for Amsterdam, the insurance was effected at 30 per cent. and the trade could be carried on through this country at 5 per cent. To prevent this, one measure might be adopted, which was to prevent the re-exportation; but great injury would result to commerce (he did not allude particularly to wine) if the merchant was not allowed to re-export on finding the market overstocked. It was therefore found expedient to regulate that trade which could not be prohibited, and with this view the Orders in Council were issued, which were, in fact, a compromise between belligerent rights and commercial interests. In the exercise of belligerent rights for the purpose of embarrassing the commerce of the enemy, and making him feel the effects of his own acts of violence, every possible attention had, at the same time, been paid to the commercial interests of the country. The noble lord had expressed some surprise at the trade with the enemy's colonies which was granted to the Americans; but it was, in fact, intended as a boon to the Americans, and must be to them of great value; because, when the intelligence arrived in America of the intention of the French government rigorously to execute the decree, and the embargo was in consequence resorted to, the general impression there was, that we should resort to measures by way of retaliation, which would amount to a prohibition of their trade with these colonies. It was intended that all American domestic produce should be allowed to pass through this country, without the payment of any duty, except the article of cotton. The importance of this trade to them would be evident from a statement of their exports, which according to the last return amounted to 104,000,000 dollars, 43,000,000 of which was domestic produce, and of which 8,000,000 was exported to the enemy's colonies, from whence they derived a re-export of 30,000,000. It was found that the surplus of the produce of our own colonies beyond our consumption, was not above a third of what was wanted for the supply of the continent, it was therefore thought expedient to admit of the trade with the enemy's colonies, with the intention, however, that the produce of such colonies, should, in the circuitous trade through this country, be subjected to a duty, sufficiently high, to prevent its having the advantages over our own colonial produce; and also, that the commerce of the enemy should be embarrassed. With respect to the warning, that was in conformity with the rules of blockade, and was merely applied in a more enlarged sense. As to the certificates of origin, they were documents prescribed by the French government, to shew that the property they covered was not of the manufacture or produce of G. Britain; they were therefore belligerent instruments, and shewed that the neutrals using them, acquiesced in the Decree, and confederated with the enemy, and were therefore good grounds of capture. The noble earl repeated, that the object of these Orders was to regulate that which could not be prohibited, the circuitous trade through this country.

Lord *Erskine* concluded, that the Orders were a violation of the law of nations, and that we had no right to molest a neutral going to an enemy's ports, unless in the cases mentioned by his noble friend. The violent Decree of the French government, undoubtedly gave us a right to retaliate; but to retaliate upon the enemy and not upon neutrals. He denied the construction put by the noble earl, upon the Order of the 7th of Jan.; and contended that principles had been now attached to it, which were never in the contemplation of those who framed it. The noble earl had spoken of an impression in the United States; but upon whom, or upon what part of the people, was the impression? What was called a retaliation of the threatened blockade of France, he contended was much more than a blockade; and he would ask the noble and learned lord on the woolsack, whether this was not so? The principle of a blockade was to prevent the entrance of vessels into the blockaded ports—it went no farther: vessels having notice not to enter the blockaded ports, might proceed to any other port whatever that was not in a state of blockade. But here we not only extended the principle of blockade to ports not actually blockaded, which was all that was on any side contended France had done, but we would not permit the vessels thus excluded, to proceed to any other ports they pleased. We forced them to come in here. They might choose to make for Sweden or any other neutral country; but even this they were not allowed to do. And, therefore, these Orders in Council were not only contrary to the law of nations, but exceeded any thing that it was pretended France had done.—His lordship then went on to observe, that we had no right to alter the law of nations of our own authority. It was a question in which other nations were concerned, and they ought therefore to be consulted. We had no more right to alter it for our own convenience, than a judge here had to alter the law of the land without the authority of parliament. Suppose the lord chief baron, for whom he expressed a high respect, should take it into his head to say that smuggling had grown to such an extent, that he would permit no goods to be carried from one place to another without being first brought to London; and that to prevent all fraud, they must come in by Westminster-bridge and go out by London-bridge. He might be told, that the common law of the land did not permit such a regulation, and that parliament must be applied to before it could be altered. Upon the authority of the principle which we were now setting up, that we had a right to alter the law of nations, so as to suit our own convenience, he might reply, that the evil was of such a nature that rendered it necessary for him to apply the remedy immediately, and that it would be very inconvenient to wait for parliamentary proceedings. But after all, what was the value of this decree, which Buonaparte, drunk with his victories, had issued? It was worth no more than the paper on which it was written. What was the use of talking of blockading G. Britain, when he had scarcely a ship on the ocean to enforce his Orders? He might as well have talked of blockading the moon [a laugh], and possessing himself of all the lunar influence. And then the Royal Society might imitate the example of ministers, and say, 'Good God, what a number of wrecks we shall have; let us think of some means of retaliating this dreadful blockade.' Their lordships laughed at this, but he declared he thought it the dullest thing on earth. Buonaparte might equally well have pretended to blockade the moon as to blockade this country, for he was as competent to do the one as the other.—His lordship then particularly directed the attention of the house to the injustice and the impolicy of inflicting a great injury on neutrals, in order to do a trifling one to our enemies. He felt a sort of enthusiasm in favour of America; not only on account of the origin of the people, but also on account of the noble stand they had made for their independence. How could they endure an act, now they were independent, which they could not have borne if they were still a colony? It was of the last importance, that both countries should continue in peace and amity with each other, and every thing ought carefully to be guarded against which disturbed their harmony. He was far from saying, that every thing should be given up to America; but he did say, that nothing but the last necessity could justify our engaging in hostilities with that country.

The *Lord Chancellor* agreed that the Orders in Council could not be defended, if they were a violation of the law of nations; and if their lordships could be persuaded that such was their character, there could be no occasion to urge their going into a committee, to consider of the propriety of addressing his majesty to check the operation of regulations which were contrary to the law of nations—that is, the natural justice which ought to be held sacred between nation and nation, as well as between one individual and another. Whatever was contrary to the spirit of the law of nations, he allowed could not be justly altered, even by parliament; but, at the same time, it was to be observed, that from the nature of the thing, there must necessarily be variations in the application of the principle to different circumstances. This was all that had been done by these Orders; nor did they trench more upon the municipal law than they did upon the law of nations. That the crown had a right of its own authority to make regulations for the internal trade of the country, to intermeddle with the finances, &c. &c. would not be contended; but certainly it had been the practice for the crown, when the nation was at war, to affect the trade of neutrals, as far as that might be called for by the conduct of our enemies.—As it had been argued, that the previous measures of the enemy were only matters of internal regulation, or a farther extension of a navigation law, which they had a right to resort to if they pleased, his lordship proceeded to state his reasons why they ought to be regarded as a direct violation of the rights of neutrals and the law of nations. For this purpose he began with the preamble of the Decree of the 21st of Nov.; the preamble, as he said, being considered by lawyers as a key to the body of the enactment. From the words of this recital, and the nature of the complaints against G. Britain, which was charged with having put whole coasts and empires in a state of blockade, without having the power actually to execute that blockade, in the established form and manner, he contended that Buonaparte must have meant not only to exclude British produce and manufactures from his ports, but also to prevent all trade whatever in British commodities. This was a flagrant violation of the rights of neutrals; for it was as much as to say, that whoever traded with G. Britain would be considered as an enemy by France. Coupling the preamble with the enactment, this was the obvious sense of the Decree. His lordship then adverted to the Order in Council of the 7th of Jan. last year; and argued also, from the plain construction of this Order, that the Decree must have been understood by the late ministers as extending farther than mere internal regulation which France had a right to adopt. It had been said that the present ministers were more ready to argue that their predecessors were in the wrong than that they themselves were in the right. This could not be imputed to him on the present occasion; for, as far as the Order of the 7th of Jan. went, it had his approbation. At least there was here a recognition of the injustice of France to neutrals, if not an approval of the principle of retaliation, by establishing a similiar system of nominal blockade. But the Order at all events extended further than the old mode of applying the law of nations. It might be said, that, according to the rule of 1756, we had a right to interrupt the coasting trade of France; but this interrupted the trade of Spain, &c. with France, and included those nations where France had such a controul as to enable her to enforce the exclusion of our ships. Any nation had a right to exclude our ships; but the Order proceeded on the sound principle, that in fact the exclusion was owing not to the nation itself, but to France. To support this construction of the Order, his lordship cited the speech of the President of the United States, who, he observed, understood it in the same way; and for the justness of his construction of the French Decree, he cited the Spanish Decree. He also cited the pretensions and complaints of the Danes to the same effect. With regard to the opinion of M. Decrès, in reply to gen. Armstrong, who consulted him about the application of the Decrees to America, he considered that as worth nothing. The whole answer evidently amounted to this, that Decrès knew very little about the matter. This appeared from a sentence in the answer which he observed in a very excellent pamphlet on this subject, which, he knew not for what reason, was not published in the official letter. There Decrès distinctly stated, that he had much less positive information on the point than the prince of Benevento, whom he advised gen. Armstrong to consult. The Court of Admiralty also had certainly adopted his construction of the French Decree. When a neutral was captured by an enemy, it was not the practice to grant salvage for releasing the vessel because she was in no danger of confiscation; but on an American vessel being seized for trading with this country, and released by one of our ships, one-eighth of the whole was granted as salvage. As to the question of the right of retaliation, his lordship contended, that when our own preservation required that we should take measures against our enemy, the neutral had no right to complain; for the injury to her was consequential. He stated a variety of instances to prove the correctness of this position, and cited cases of blockades, embargoes, &c. as illustrations of the doctrine. As to the mode of the retaliation, he did not think it necessary to say a word on that subject.—With respect to the policy of the measure, he maintained that a false view of it had been taken, particularly with regard to America. We were not to consider merely the greatness of the advantages which we derived from an intercourse with America, but also what would be our situation if America should submit to the decrees of Buonaparte. To preserve peace with America no one could be more anxious than he was. He wished well to America, first, because it was his duty as a man to wish well to every nation; and next, because the welfare of America was materially connected with the interests of G. Britain. But he could not suffer the enemy both of G. Britain and America to make use of the one to destroy the other; and his duty to his own country was clearly paramount to his regard for any other. He hoped these orders would not be productive of a war with America. Do not, my lords, he said with earnestness, bring on such an event, by arguing the case upon any such supposition. America, I trust, will still listen to the voice of truth; she will see that the whole of this is owing to France; and perhaps she may be at last sensible of the policy of joining with us in opposition to the wild and extravagant pretensions of a power whose object is to crush us both.

Lord *King* contended, that France had not put her decrees into execution, and that we had no proof that neutrals would submit to them. As to the argument, that we had a right to hurt our enemy though a neutral might be injured consequently, he denied that we ought to do a great injury to a neutral in order to hurt our enemy a little. Buonaparte could never have put his decrees in execution if we had not assisted him, and stopped our own goods while finding their way to the continental markets. Commerce was much more necessary to us than to France, and therefore it was folly in us to act upon these Orders, which only secured the attainment of the objects of France. He also strongly insisted upon the inconsistency of the conduct of ministers, who, while they were the loudest in extolling the advantages of a commercial intercourse with South America, both in the case of Buenos Ayres and the Brazils, were so ready to put an end to our commerce with the continent, which was so much more valuable. He hoped the Orders would not be productive of a war with America, but even if they stopt short of this, they would be attended with most pernicious consequences.

Lord *Grenville* began with observing, that it was common for speakers, in order to arrest the attention of their audience, to exaggerate the importance of their subject; but, of the magnitude of the present subject, so far from its admitting of exaggeration, it was impossible for any eloquence to convey an adequate idea. He was glad to see that at last the public were becoming alive to its importance, and he ventured to predict, that the anxiety which was now felt concerning it would daily increase, as there was too much reason to dread that misfortune would be accumulated upon misfortune, should the measures be persevered in which gave rise to this evening's discussion. He was decidedly of opinion that the house ought to go into a committee upon the Orders in Council, because of the variety of questions which grew out of them, involving their legality or illegality, their constitutional or unconstitutional tendency, their policy or impolicy—in a word, their bearings upon the prosperity and the very existence of the country. It was the duty of the house, and he conjured them not to lose sight of it at a moment so critical and perilous, to intervene between the country and the ruin by which it was threatened, by the rashness, improvidence and folly of the government. So pressing was the emergency, that the smallest delay might be attended with the most destructive consequences, and the most irremediable evils; he hoped therefore, that their intervention would take place before things arrived at a state in which it might no longer be effectual. Nothing to him was personally more painful, than being obliged to combat the sentiments of the noble lord opposite to him (earl Bathurst), for whom he entertained the highest esteem and respect, but the task was imposed upon him by an imperious sense of public duty, and he trusted that if any expression should escape him of a nature to give any unpleasant feelings to the noble lord, that he would believe that it would give him (lord G.) greater pain in uttering, than it could possibly give the noble lord in hearing it. He should begin however, with what had fallen from the noble and learned lord (Eldon), who, he was happy to find, had abstained on this evening from justifying his own conduct, by attempting to criminate that of his predecessors, a very unsatisfactory mode of defence, which of late had been too much practised. Still, however, the noble and learned lord had not defended the Orders in Council upon their own merits; but, by way of calling off the attention of the house from the measure now before them, he had directed it to a measure of the late administration, for which he was disposed to give them credit, but between which and the present there was no analogy whatever, and which, if it was defensible, it was precisely because it rested on principles directly adverse to those by which the Orders in Council, dated last Nov. were dictated. The noble and learned lord had dwelt much upon the blockade of the French ports from the Elbe to Brest, that had been proclaimed in the decree issued by the late ministers, but all the conclusions which he attempted to deduce from it fell to the ground, when the single fact was stated, that this was not a fictitious, but a real blockade, perfectly conformable to the understood and acknowledged laws of war, and that the publication of the proclamation was accompanied with directions to the admiralty to carry it into effect. The late ministers in this case therefore, instead of violating the law of nations, upon any plea of necessity or convenience, or temporary expediency, had done nothing more than apply the principles of this law to the circumstances under which they were called to act. The noble and learned lord farther contended, that in the preamble of this Decree of blockade the principle of retaliation was set forth; he reminded, however, the noble and learned lord, that this principle was not acted upon; they had merely asserted, that they would have been justified in recurring to it, always understood, that it should be exercised within the law of nations, and instead of recurring to it they adopted a measure of quite a different nature. He intreated, however, their lordships to get out of the eternal circle of justifying one act by comparing it with another; to abstain from the petty warfare of crimination and re-crimination, and to canvass the measure, now before them, on its own individual merits. In this view it was important to inquire how far it was consistent with the principles of national law; and, in the next place, how far it was consonant with the maxims of sound policy. In the first place, he examined it in reference to national law, and here it was extremely important not to confound the law of retaliation with the law of self-preservation. The latter was paramount to all laws, and might justify even such a horrible act as the attack upon Copenhagen, provided the case was clearly and satisfactorily made out. The right of retaliation on the other hand, could only with justice be exercised upon an enemy, and could not be extended to the detriment of a neutral power. If a neutral power granted certain advantages to the enemy, then we had an undoubted right to insist upon being admitted to the same advantages; or if a neutral power acquiesced, from weakness, in the demands of the enemy, all that we could in justice require was, that in consequence of this demand the enemy should not be placed in a better situation in regard to her than we were. But we had no right, because the enemy violated the rights of one neutral, to violate the rights of all neutrals; for if this principle were once admitted, it would lead to an extension of hostilities over the whole civilized world. He then applied these general principles to the present case. The meaning of the French Decree was, he allowed, to put the ports of G. Britain in a state of blockade; but if a measure was to be founded upon it by the government of this country, it ought to be directed to its effects, not to the form in which it was expressed. The first question, then, which arose was, whether it had ever been executed against America, or acquiesced in by the government of the United States? for if it should turn out that it never had been applied to the commerce of America, and that it never had been submitted to by that power, the framers of the Orders in Council had not a foot of ground on which to stand. Now, his lordship asserted, that Denmark, immediately after the Decree was published, received explicit assurances from the French government that it did not go to capture the ships of neutrals trading upon the high seas, but that its object was merely to prescribe the terms on which the ships of foreign nations were to be admitted into the ports of France. The same explanation of the nature and tendency of the Decree was given to America, and as a proof of the sincerity of the explanation, an American vessel, which was carried into a French port, was released by order of their court of admiralty. It was understood in the same manner in Spain, and a ship, which was carried into a port of that kingdom, under similar circumstances, was released by order of their court of prizes. But even supposing that the French decree did not admit of this mitigated construction, it would by no means follow that we had a right to publish orders which amounted to a total prohibition of American commerce, till we saw what steps America would take in consequence of it. The government of Denmark had submitted to the decree, which accounted for the spirited note written by his noble friend (earl Grey) on the occasion, in reply to a very insolent one that had been received (p. 402). But, a different language had been held to America, because her conduct was the reverse of that of Denmark; and because at that time a negotiation was then depending between this country and the United States by which all their differences were likely to be adjusted.—Here the noble lord repelled the accusation which had been brought against his two noble friends who negociated the treaty, of their having made any unbecoming concessions in the course of that negociation. He ventured also to predict, that if there were any persons mad enough to be induced by the motive of obtaining a little temporary popularity to adopt a different tone from what at that time animated his majesty's councils, that they would find such popularity to be of very short duration.—But to return to the subject immediately before the house, not only had M. Decrès, the minister of the French Marine, assured gen. Armstrong that it was not intended to execute the decree against America, than this assurance was fortified by the fact that it had never been executed. This matter, however, did not rest wholly either upon the assurance or the fact, or upon both together. In the President's speech at the opening of Congress, on the 19th of Feb. 1807, a document which had not reached the late ministers previous to their dismissal from office, but which must have been received by their successors about the end of last March, he had avowed his determination, to demand an explanation from the French government of the Decree, and an assurance that it was not intended by any of its provisions to break in upon the existing treaty between France and America. Was it to be argued, then, that we were better judges than Mr. Jefferson of what trenched upon American rights or American interests? Or were we to set ourselves up and to say to the government of that country, that we did not like the terms on which the ruler of France had explained his intentions in regard to her? His lordship particularly called the attention of the house to the preamble of the Orders, and to a document which had this day been laid upon the table. In this preamble the foundation of the Orders was stated to be, neutral states not having obtained the revocation of the French Decree, a circumstance, which, he contended, was of no importance whatever; for, if it was not executed, it was the same as if it had never been published. They did not dare to assert that America had acquiesced in it; and, indeed, how could they, since it appeared that as late as the 18th of Oct. last, they had received a Note from the two American Ministers, then in London, assuring them that France had uniformly conformed to the articles of the Treaty between that country and America, in the execution of the decree? And, notwithstanding this assurance, in three weeks after the date of this note, these Orders in Council were issued, by which the whole commerce of America was to be annihilated; because, forsooth, she had not obtained the revocation of a decree, which in regard to her was the same as if it never had been passed. Perhaps he should be told, that the fact as stated by the American ministers, was not true. But in the first place, he could scarcely believe that they would have hazarded a false assertion, and in the next place, if ministers did not believe them, why did they not contradict them, or at least call upon them for proofs of the truth of their declaration. It was remarkable, too, that this Note was written in answer to a question, as if ministers had been determined to leave the injustice of their country on record. If any thing, after all the circumstances which he had enumerated, was necessary to evince the determination of America not to submit to any invasion of her rights on the part of France, the embargo lately laid upon her shipping, not after receiving the British Orders in Council, but after the receipt of advices from France, would be amply sufficient for that purpose. In short, he could not conceive that a more compleat case of non-acquiescence in the Decree could be made out than the American government had to lay before the world. The late administration had requested information from the government of America of its intentions in consequence of the French Decree; but before an answer had been returned to this demand, the measures in question were adopted, in which a gross and flagrant violation of public faith had been committed.—The noble lord next considered the Orders in Council as a violation of the municipal law of the country. He contended that they were violations of eight or ten positive statutes of the realm; of the Navigation Act; of the act for regulating the commerce of the Isle of Man; of the act for regulating the commerce of Guernsey and Jersey; and of the act for regulating the commerce of hostile (not of neutral) ports. ' If the lords of the privy council, at any future time, thought the laws not so good as they could make them, they had nothing to do but to follow the example set them in the present instance, and alter and suspend them at pleasure. The old arguments which were used in favour of the dispensing power, of raising ship-money, &c. were, like the present, justified upon the plea of necessity. He had always thought, however, that our ancestors had set these questions, and all of a similar nature, to rest at the time of the Revolution, when it was stipulated in the Bill of Rights that in every emergency which might render an alteration necessary in the established laws of the country, that alteration should be made by the king, lords, and commons in parliament assembled. In all cases in which this constitutional principle had been departed from, there had been three points required to be proved, 1. The existence of an urgent necessity; 2. The impossibility of assembling parliament in time to provide for it; and, 3. That the remedy did not overstep the demands of the necessity. In the present case, since the French Decree, there had been two sessions of parliament, and since the Orders in Council were published, parliament had been twice prorogued.—The noble lord next pointed out the unintelligibleness of the Orders. He would take upon himself to prove that in four clauses of the same paragraph they contained four direct contradictions. After much study, however, he believed that he had at last found out what they meant to express, and he was not a little proud of the solution of such a problem, particularly as an eminent civilian (Mr. Robinson,) had declined altogether to interpret them, and they had been misunderstood by the most eminent writer upon political economy now in the country, and by Mr. Baring, in the pamphlet which he had published upon the subject, and upon which his lordship bestowed the most unqualified praise. The noble lord proceeded to shew their extreme impolicy. They went to effect a radical and fundamental change in the whole commercial relations of the country, both with belligerent and neutral powers. They tended to subject this country to a loss in the same proportion that they distressed the enemy, and in the same proportion that we gained from them, they afforded relief to the enemy. This principle of forcing trade into our markets, would have disgraced the darkest ages of monopoly. The impediments which it was intended to throw in the way of the importation of cotton into France, would have the effects of stimulating that government to encourage its cultivation in quarters where it did not grow, of producing a redundance of the article in the foreign market, of lowering its price, and consequently of diminishing the cultivation.—He then shewed that the orders defeated their own object, because by making it necessary for every foreign ship to touch at a British port, to pay a certain tribute, and this circumstance exposing every such ship to capture and confiscation by the French decree, it was obvious that no ship would submit to the ignominy, merely for the purpose of exposing itself to the subsequent danger. It was surely better then for ministers to retract what they had done, than to persist in an error to avoid the shame of retraction.

Lord *Hawkesbury* vindicated the line of argument pursued by his noble and learned friend. If ever there had been a time, or a question, upon which it was proper to refer to past measures, to the persons by whom such measures had been adopted, and to the circumstances under which they had taken place, it was the present moment, and the question then under the consideration of their lordships. The preamble of the Orders in Council shewed that they were not founded upon any recent act, that they only were to carry into effect the principle laid down in a former act, which had been insufficient to its professed object. However he might differ as to the policy of the precise act which had in the former case been resorted to, he approved of the principle upon which it rested. When the French Decree was published there appeared to him two causes, one of which might have been taken, either to consider that Decree as idle words, and to treat it with contempt, or to look upon it as a substantial measure, calculated to injure the interests of this country, and justifying measures of retaliation. The late ministers did not consider that Decree in the former light, or pass it over in silence and contempt, though they noticed it only by an abortive attempt at retaliation. The arguments that had been urged by the noble lords opposite in this instance, would apply with more force against their own measure. The learned lord (Erskine) had said, that the Order of the 7th of Jan. was only a trifling enlargement of the principle of the war of 1756. But the principle of that war was founded upon this, that neutrals should not be allowed, during war, to possess a trade which they had not enjoyed during peace. Neither France nor Spain allowed neutrals to carry on their coasting trade during peace, and the principle of the war of 1756 was that they should not carry it on in time of war. This, a belligerent had a right, upon the broad principle, to resist and refuse. But though neutrals were not allowed to trade between Brest and Bourdeaux, in time of peace they were not prohibited from trading between Ferrol and Brest, and between the ports of France and Spain. This trade therefore allowed during peace, they had a right to possess during war, and upon the general principle no belligerent had a right consistently with the law of nations to take it from them. This, however, the Order of the 7th of Jan. did take from them, and unless that Order could be defended, upon the principles of the law of nations, it was not to be justified at all. By the copy of an official dispatch found by his majesty's present ministers on their coming into office, it was evident that their predecessors entertained opinions similar to their own, on the justice of retaliating upon the enemy the measures of hostility which he might choose to adopt towards this country. We had a right to retaliate, we did retaliate. The extent of the powers with which we were at war, had no effect in depriving us of that right. If by that retaliation neutrals were incidentally injured, it was to be lamented, but could not tend to the diminution of that right. In the last war, the

Elbe and the Weser were blockaded, although one side was occupied by neutrals, who must consequently have sustained material injury. The tenor of the French Decree had been admitted by the noble lords opposite themselves. As to the attempt made to insinuate, that its virulence had been abated by the explanation given by Decrès, the minister of marine, to general Armstrong, nothing could be more futile. How could any renunciation, but one as public and as formal as the Decree itself, be said to do away its effect? Was France to be left to blow hot and cold at pleasure? In cases tried in the admiralty court in England, the eminent person who presided in that court, declared that Decrè's explanation was nugatory. So much for the justice of the Orders in Council. With respect to their policy, the noble lord entered into an exposition of the advantages derivable from them. He compared the measure with that of the late administration, and contended that while by the Order of the 7th of Jan. the ordinary law of nations had been just as much violated as by the Orders of the 11th Nov. the latter secured to the country benefits which the former was not calculated to obtain. It was intolerable that England had enjoyed little advantage from her maritime superiority; and that France, who did not dare show a flag on the ocean, had carried on such a trade by neutral bottoms, that the people of that country consumed colonial produce at a much less rate than the English. To prevent this was the great object of the Orders in Council; and in doing this, so far was the trade of G. Britain from being injured, that the exports of the months of Dec. and Jan. last, had exceeded the exports of the corresponding months of the preceding year.

The Earl of *Lauderdale* wished the Orders to be discussed on their own positive merits, and not on their comparative merits. He believed that they had been infinitely mischievous. They injured neutrals much more than they did the enemy; and were, in his opinion, tantamount to a declaration of war against America.

Lord *Sidmouth* was desirous that the Orders might be referred to a committee, in order to give him an opportunity of fully investigating, and making up his mind upon this important subject, on which he had not yet been able to form a decided opinion.—The house then divided.

Contents, ... 30....Proxies, 18— 48

Non-Contents, 61....Proxies, 45—106

Majority against the motion, 58.

Adjourned at four o'clock on Tuesday morning.

List of the Minority.

Gloucester,
Norfolk,
Bedford,
Argyle,
Stafford,
Derby,
Jersey,
Cowper,
Essex,
Albemarle,
Spencer,
Bristol,
Breadalbane,
Grey,
Sidmouth,
St. John,
Darnley,
King,
Besborough,
Moira,
Grenville.
Somers,
Auckland,
Erskine,
Ellenborough,
Ponsonby,
Carrington,
Lauderdale,
Hutchinson,
Cassillis.

Proxies.

Bute,
Thanet,
Shaftesbury,
Bulkeley,
Lucan,
Ossory,
Carnarvon,
Blandford,
Rosslyn,
Guilford,
Buckinghamshire,
Stawell,
Mendip,
St. Vincent,
Braybrooke,
Yarborough,
Holland.

HOUSE OF COMMONS.

Monday, February 15.

Minutes.] Sir James Pulteney, from the select committee appointed to try and determine the merits of the petition of Joseph Garland, esq.; and also of the petition of sir Rd. Bickerton, bart.; severally complaining of an undue election and double return for the town and county of the town of Poole; informed the house, that the said committee had determined, That Joseph Garland, esq. and sir Richard Bickerton, bart. were not duly elected; that John Jeffery, esq. was duly elected; and that the last election for the said town and county, so far as respects the said Joseph Garland and sir Rd. Bickerton, was a void election: also, that the said petitions did not, either of them, appear to the said committee to be frivolous or vexatious.—Col. Strutt presented a Declaration from Mr. Fuller, one of the members for Sussex, declaring that it was not his intention to defend his election against the petitions of col. Sergison, and certain Freeholders. The consideration of the petitions was adjourned to the 24th of March.—In consequence of the ill health of sir Home Popham, leave of absence was given to him for a month. Mr. Lushington, on the same ground, postponed the motion of which he had given notice for to-morrow, respecting advances from the Droits of Admiralty fund to sir Home Popham.

Expedition to Constantinople.] Mr. *Taylor* rose pursuant to notice, to move for papers necessary to give a proper understanding of the particulars connected with the Expedition to Constantinople. The frequent references that had been made to this transaction, in the discussions on the affair of Copenhagen, to which it had been assimilated in principle, rendered a more particular investigation necessary. It was contended, that whatever difference there might be in appearance, and certainly there was great difference in point of execution and event, the principle of the right of attacking a neutral power was exactly the same. But it was not merely to estimate the comparative right and propriety of these attacks on neutral powers, that the papers he was about to move for, ought to be before the house. It was usual, when it had been thought right to go to war with a power before friendly, to make some communication to parliament with respect to the fact and the motives. Now, we were involved in a war with Turkey, brought on by that attack, and no communication whatever had been made to parliament on the subject. It was no private nor party motive that had induced him to bring forward this motion. He was not connected with any party, and he had communicated only with one or two members on the subject. Having a short time been resident in Turkey, and conversant with the manners of the people and their political attachments, his attention was naturally engaged by the dispatches from his majesty's ambassador and commanders in the Dardanelles, and, with every attention that he was able to give, he could neither discover why the armament went, nor why it came away. Whatever might be the policy of the Copenhagen Expedition, it at least afforded an eminent example of judicious management and able execution. When a transaction of that kind was thought by some to call for enquiry, he could not bring himself to think that a transaction in which the character of the navy, the favourite service of the country, was brought in question by ill-success, ought to be suffered to pass without an investigation, which would fix the blame of the failure where it ought justly to fall. These were the motives which had induced him to bring this subject before the house. He would abstain from pronouncing any opinion till the papers which were to guide his judgment, as well as that of the house, should be properly considered. He would enumerate shortly the circumstances of the transaction. The British fleet appeared at the entrance of the Dardanelles on the 29th of Jan. 1807, while the British ambassador was still at Constantinople. The British fleet attacked the castles, and forced its passage, burning a Turkish frigate. The British fleet remained 12 days before Constantinople, and then came back the same way without doing any thing farther. This situation was one in which no British officer would wish to remain, or ought to be suffered to remain, without inquiry. The papers which he would move for would go to shew why the British squadron had gone to the Dardanelles, why it had come away, and what had been done there. He concluded with moving, "That there be laid before the house a Copy of the Treaty of Alliance, offensive and defensive, between his majesty and the Ottoman Porte, signed at Constantinople, January 5, 1799, by sir Sidney Smith, and Mr. Spencer Smith; also a Copy of any Secret Articles of the said Treaty regulating the passage of the Dardanelles by British ships of war; a copy of a Dispatch of lord Elgin, notifying the exchange of the ratifications of the said Treaty; a copy of any Treaty existing between the Porte and Russia on the 19th of Jan. 1807; copies of the Letters of the secretary of state to Mr. Arbuthnot, his majesty's ambassador at Constantinople, at the time of the British squadron proceeding to that place; and of Mr. Arbuthnot's Dispatches after the arrival of the squadron; copies of the Instructions issued to lord Collingwood, and of those issued by him to sir John Duckworth; a copy of a Letter from sir Sidney Smith to sir John Duckworth, relating to the burning a Danish ship in the Dardanelles; and copies, generally, of all the Correspondence of lord Collingwood, and the officers sent by him on this service."

Mr. Secretary *Canning*, after waiting a few moments to see if any one would rise on the other side—the gentlemen there being particularly interested in this subject, and therefore naturally supposed to be anxious to take the earliest opportunity of delivering their sentiments—felt himself now called upon, in consequence of their silence, to state what his sense of his duty suggested to him with respect to the motion now offered. He had said, on a former night, that the motion was brought forward without his knowledge or concurrence: the hon. mover had stated the same thing this night. Not having the honour of an acquaintance with the hon. gent., he had had no means of ascertaining the nature of the information he meant to call for, till the hon. gent. did him the honour to transmit to him, this morning, a list of the Papers he meant to move for. Since that time, he had considered and investigated all the circumstances as much as the time allowed, and he would now state, how far it was possible and proper to comply with the motions. The first motion, relating to the Treaty of Alliance with the Porte, there could be no difficulty of acceding to. The treaty was matter of public record and notoriety, and therefore there could be no reserve with respect to it. As to any Secret Articles regulating the passage of the Dardanelles by British ships of war, he could find no traces of such articles. On reference to the books of the Foreign Office, it was found that the Treaty had been for a time taken away by a person connected with the office, and not returned to the custody of the librarian to whom it properly belonged. Till the treaty was got back, it could not be ascertained whether there was or was not any secret articles of the nature alluded to. There could be no difficulty in producing a copy of the dispatch of lord Elgin, relative to the exchange of the ratifications of the Treaty. With respect to any Treaty between Russia and the Porte, in Jan. 19, 1807, he did not conceive how that could be laid before the house. His majesty's government was seldom in possession of such copies of the treaties of foreign powers as could be laid before parliament, unless when such treaties were to be made the basis of any arrangement here. He was not prepared to say, whether the treaty between Russia and the Porte contained any stipulation to which G. Britain was invited to accede. But the treaty was matter of notoriety, to be found in all the books of public papers, and of course might be referred to without difficulty in debate. The copies of the Correspondence between the Secretary of State and Mr. Arbuthnot were in the office, as well as the Official Notes during the transactions in the Dardanelles, and they might be produced if the house should think proper. Copies of the Orders to lord Collingwood, and from him to admirals Duckworth and Louis, might also be produced. The Letter of sir Sidney Smith he had not been able to find; but when it should be found, it might be produced as well as the rest. He had thus far gone over the list for the satisfaction of the hon. gent. who had made the motion. For himself, he saw no ground for instituting an inquiry under present circumstances. But he was persuaded, the house would feel that his majesty's ministers were called upon to give every information, when the production of all that could be given was called for by the hon. gentlemen who composed the administration under which this transaction had taken place. He had followed literally the order of the motions made by the hon. gent. It was impossible for him to be aware what view the hon. gentlemen opposite took of the motion. They would themselves state how they wished to arrange and modify the production of the documents. He was not aware of any practical benefit that could arise to the country from the investigation proposed; but, after what had been said on the other side, he did not feel himself at liberty to dissuade the house from going into it.

Mr. *T. Grenville* waited for the right hon. secretary to state how far his sense of public duty would allow him to comply with the motions offered. Till he had heard the right hon. secretary's sentiments on this head, he could not know what further information it would be necessary for him to call for by a supplementary motion. The correspondence with Mr. Arbuthnot was extremely voluminous, much of it not bearing on the question the hon. gent.'s speech referred to. He could not say how much of that correspondence might be necessary to give the house just grounds to form its judgment. When the right hon. gent. should have produced all he intended to give under the motions now made, he should consider what further information it would be necessary for him to call for. He agreed with the hon. mover, that no opinion ought to be expressed till the house should be in possession of the proper documents. But he thought the hon. gent. differed from his own rule, and expressed upon some points stronger opinions than were warranted in the first stage of an enquiry. From the change which had taken place in his majesty's councils, the late ministers had not the advantage of being in possession of the papers principally relating to the transactions in the Dardanelles, and therefore they could not know what those papers contained material or immaterial to their cause. In the admiralty, from the peculiar manner in which the business was carried on formally by the Board in general, but often confidentially by the first lord alone, who was generally a member of the cabinet, and who often did not think it necessary to communicate to the Board what he did; a correspondence frequently passed between the First Lord and the commander of an Expedition, which was not communicated to the Board. Having been himself in the situation of first lord of the Admiralty at the time of the transactions which were referred to in the hon. gent.'s motions, he could not ascertain whether all that had passed through his hands was to be had in the office. But a great part of the dispatches had arrived after, and of this he could know nothing whatever. It would appear by the report of sir T. Louis, who was sent to examine the state of the Turkish fleet, the arsenals and castles of the Dardanelles, on the 5th of Dec. that the hon. admiral thought the force sent amply sufficient. This was six weeks before the expedition. He was anxious to have before the house the dispatch of lord Collingwood respecting this report. He had in this view written to the Board of Admiralty, to ascertain whether the paper was in their office. The Board returned for answer that no such paper was to be found in their office, and that they doubted whether it existed. He then sent them his own copy, which, after pressing it as strongly as he could upon them on public grounds, they twice returned as not essential to any public service, and relating to a transaction wholly gone by:—a transaction in which lord Collingwood's conduct might possibly be implicated, on the ground of sending an insufficient force to the Dardanelles, could not be properly looked upon with such indifference; for though he did not mean to throw any part of the responsibility off himself on any body, yet certainly lord Collingwood might be supposed to have most to do with the appointment of the rate of force sent. Neither was it respectful to parliament to resist a document so proper to throw light on a matter, about which an inquiry was to be instituted in the house of commons. With respect to the aggravated statement of attacking a neutral and an ally in time of peace, it would appear by the Instructions to lord Collingwood, that the attack was not to be made, nor any hostile step taken, till our ambassador should have informed the admiral that the relations of peace and amity had ceased to exist. Lord Collingwood being absent in the Mediterranean, he knew not how the house could be put in possession of the important papers he had referred to, except in the manner he had proposed, and he left it to the house to judge of the fairness with which he had been treated by the board of Admiralty. He hoped the house would give him at least the relief of considering the paper in his hands as authentic. He hoped the fullest information would be granted, and he challenged the fullest inquiry upon that information.

Mr. *Wellesley Pole* explained the grounds on which the board of admiralty had conceived it impossible to retain the papers sent by the right hon. gent. The office of lord high admiral being executed by commissioners, it was necessary that all orders should be signed by three of those commissioners. The first lord was unquestionably in the habit of private correspondence with officers on service; but no officer would be justified in acting on such private communication. Even in the right hon. gent's. letter to lord Collingwood, he had admitted this, by stating, that his lordship would receive official instructions on the subject. Those instructions were sent; duplicates of them were now in the admiralty office, and might be produced if required. He begged to call to the recollection of the right hon. gent., the practice of the admiralty when a private communication to or from the first lord was made official. The first lord brought it to the board. It was read by the secretary; a minute was made of the transaction; an order proceeded upon it, and that document remained in the office. Surely then, the right hon. gent. could never contend, that letters of so old a date, which he had communicated to the board while in office, and which he had never communicated at all to the board untill the last 4 or 5 days, ought to be received as official. It was impossible to find a precedent for such a proceeding on the records of the admiralty office; and he had searched narrowly for that purpose. If the principle was admitted, what would prevent any private person, who had belonged to any board at any period, from sending to that board any private papers, and insisting upon their being received as official documents? On this subject he could appeal with confidence to any gentleman who had sat at the admiralty board. There was no disposition to prevent the right hon. gent. from obtaining his object. He would tell him how he could perhaps get at it. Probably lord Collingwood had sent sir T. Louis's report to the admiralty, in which case it could certainly be produced. If the right hon. gent. in the plenitude of his power, fancied that he was lord high admiral, and that he could act as such without assistance, he was very much mistaken.

Mr. *Grenville* explained, and defended himself from the imputation of having arrogated a consequence that did not belong to him.

Mr. *G. Johnstone* thought, that there was a very striking difference between the Copenhagen expedition and the Turkish in this respect. If ministers had been wrong in the Copenhagen expedition, there might be some practical effect in taking the opinion of the house upon it, as in such case the house might address his majesty to remove his ministers. He did not see, however, any practical result from enquiring into the expedition to the Dardanelles, as the advisers of it were not now in office. He presumed, that nobody wished to move an impeachment against them, or to address his majesty that they should never again be taken into his service.

Mr. *Windham* thought the hon. gent. was much mistaken, in supposing that the only practical effect in taking the opinion of the house, could be to remove one set of ministers from their places. There was a consideration still more important than places, and that was character. The practical result which other gentlemen who sat near him wished, was to vindicate their characters against unauthorized and unfounded misrepresentations and calumnies. Some of their opponents seemed to wish, that this subject should lie open as a perpetual fund for insinuations; but at the same time, they shrunk from bringing it fairly to a trial. He and his former colleagues in office wished that it should be brought to a trial, and that insinuation and misrepresentation upon this subject should be at an end. He could not conceive on what priciple the board of admiralty could refuse to keep in their house, documents so important as those which had been offered by his right hon. friend. He thought the public offices ought to be full of such records, which might be useful in future wars. A board of admiralty might as well say they did not want maps or charts as to say that such papers as admiral Louis's report of the strength of the Dardanelles was unimportant. He thought that if they could not see any other way in which they might be useful, they might, at least, have seen that, in justice to the ministers who advised those measures, these papers ought to have been preserved.

Lord *Castlereagh* could not perceive any necessity for entering into any enquiries on this subject, nor that it could lead to any beneficial result. He thought however that the board of admiralty were quite right in refusing to make this private letter an official document. Without meaning the slightest imputation on the right hon. gent. if he could make his private letter considered as an official document, any other gentleman who had been in office, might come at any time with garbled communications, and insist upon their being received as official. The gentlemen who pleased to make those communications to the admiralty, might give what they pleased, and withhold what they pleased. Although he had the firmest reliance on the honour of the right hon. gent. yet it ought not to be left entirely to individual integrity and honour, to say what papers should be presented for the purpose of being made official. He could not avoid noticing the laxity of public morals that was sometimes manifest in the conduct of gentlemen on the other side. They condemned most loudly the practice of reading partial extracts from dispatches, and yet it was what they proposed in the present instance. A noble lord also in another place (earl Grey), who had appeared to feel most sorely upon an extract of a dispatch of his being read, had yet shewn no scruple, at the time he was in office, to read extracts from other people's dispatches, and had read in that house extracts from his (lord C.'s) dispatches. In fact, it was well known, that when ministers laid any particular information before the house, it was from extracts; and they did not think it necessary to recite all the voluminous matter connected with the subject. As to the importance of these papers, he conceived that the report of admiral Louis was only introduced as a convoy to get in the private letter which the right hon. gent. wished to have entered as an official document. He could take upon himself to say confidently, that this report was either at the admiralty or at his office.

He remembered perfectly that he had read it, without being indebted to the right hon. gent.'s store of private information. The admiralty, therefore, could have no use in duplicates of dispatches which were already in their hands.

Mr. *Tierney* defended the conduct of his right hon. friend, and denied that there was the smallest ground for the analogy the noble lord attempted to deduce between the case of this letter, and the garbled extracts to which the noble lord had alluded. But, to prove any sort of similitude between this transaction and the other, the noble lord must shew that his right hon. friend had attempted to produce partial and mutilated extracts from the letters in question, instead of the complete documents. He did not wish to enlarge further on this topic of garbled extracts, in charity to the feelings of a right hon. gent. opposite him, after the severe reproach he had received upon that head from the highest authority in this country. Another hon. gent. was averse to the production of the papers moved for, because he said, it was of no use to defend men out of office. But the hon. gent. seemed to be quite of the contrary opinion as to the necessity of adducing documents for defending men in office, from the loudness of his cheering, on a former night, when partial extracts from dispatches were read to vindicate their conduct; but the public, who felt that in the persons of his hon. friends on that side of the house the country had its best friends, felt anxiety for their vindication; and it was a duty the house owed to their characters to allow them the investigation they so earnestly desired. There appeared, however, an extraordinary degree of reluctance and uncertainty on the part of the right hon. secretary, in acceding to the motion before the house; his language was—'You may have this, and perhaps you might have that; but investigation is not necessary, because no charges are brought against you.' He denied the assertion: charges were brought, and those of the most serious nature; no less than those of having brought disgrace upon his majesty's character, and tarnished the splendour of his arms, by seizing upon Alexandria from a power with whom we were on terms of amity, without any declaration of hostility, and sending an expedition against Constantinople without a military force to support it. It was against those charges that his right hon. friend wished to vindicate their characters, by a full investigation of their conduct; and it might as well be said, that courts-martial, such as that now going on at Chelsea, were vain and useless, as an investigation of the conduct of public ministers, whose honour and characters were implicated, and who had a right to demand a fair trial, and be either acquitted or condemned in the face of their country. He hoped, not only that the papers moved for would be granted, but even others which his hon. friends might deem necessary, to the fullest information of parliament and their own vindication.

Mr. *G. Johnstone* in explanation, denied that he felt any pleasure, or expressed any applause when his right hon. friend (Mr. Canning) was reading the extracts from official dispatches, alluded to by the right hon. gent. who spoke last. On the contrary, much as he admired the speech of his right hon. friend, he had no hesitation in saying, that he highly disapproved of the introduction of the extracts referred to, because such a practice appeared to him quite inconsistent with fairness in debate.

The *Chancellor of the Exchequer* thought the papers should be produced. An hon. gent. had made a motion, accompanied with observations, pointedly criminating the gentlemen opposite, who wished for the papers to enable them to meet the accusation. Unless, therefore, the production of the papers would be attended with public inconvenience, which did not appear to be the case, he could see no ground for withholding them. He defended the Admiralty from the imputation of having acted in an unmanly and uncandid manner to the right hon. gent. If they had suppressed, or if they had burned, his communications, they might have justly been so accused; but by returning them, they gave him the opportunity of bringing them before the public in any other shape which he chose.

Mr. *Croker* would have been better pleased, if papers had been called for which would have thrown a light on the planning of the expedition, rather than on the execution of it; he thought that the admiralty were bound to refuse the right hon, gent.'s letters as they had done.

Mr. *Taylor* made a short reply.—The question was then put on the first motion, which was carried, with the omission of that part which related to the Secret Articles in the treaty with the Ottoman

Porte, and the regulations for British ships passing the Dardanelles.

Mr. *Johnstone,* consistently with his declared opinion that investigation was not necessary, moved an amendment in the motion respecting the correspondence between his majesty's secretary of state and Mr. Arbuthnot, resident at Constantinople, relative to and connected with the causes of hostilities with Turkey, by omitting every thing after the word 'relative,' and inserting, 'the causes of hostilities now existing with the Ottoman Porte.'—The motion, as amended, was then put and carried. The following are copies of the papers moved for.

[PAPERS RELATING TO THE EXPEDITION TO CONSTANTINOPLE.] The following are copies of the Papers presented to the House of Commons in pursuance of the above motions: viz.

PAPERS.

PRESENTED BY HIS MAJESTY'S COMMAND TO THE HOUSE OF COMMONS, PURSUANT TO THEIR ADDRESS OF FEB. 15, 1808.

No. I.—TREATY between his Majesty and the Ottoman Porte.

In the name of God Almighty.—The uninterrupted good understanding which has always subsisted between the august Court of London and the Sublime Ottoman Porte, and the circumstances of that state of war in which the two sovereigns of the British and Ottoman empires are engaged, in consequence of the perfidious and multiplied aggressions of the French, have created in them a mutual desire to cement the ties of their ancient friendship; and a defensive alliance having just been concluded between the Sublime Porte and his maj. the emperor of all the Russias, the friend and ally of his Britannic maj.; in which alliance, founded upon the basis of a mutual guarantee of their empires, of the re-establishment and continuance of tranquillity, and of the preservation of other powers, it is agreed that his Britannic maj. shall be invited to accede to it: their said majesties, namely, his maj. Geo. 3. king of Great Britain, &c. and his Imperial maj. Sultan Selim the 3rd the most mighty Ottoman emperor, being equally desirous of contributing to the safety and interests of their respective subjects and to the restoration of general tranquillity in Europe, have to this effect nominated for their Plenipotentiaries, viz. the king of G. Britain on his part, sir W. Sidney Smith, knight, commander and grand cross of the royal military order of the sword, and commander of his squadron at present in the Levant, and John Spencer Smith, esq. his minister Plenipotentiary to the Sublime Ottoman Porte; and his Imperial majesty on his part, the right exc. and right hon. Esseid Ibraham Ismet Bey, with the title of Cazi Asker of Roumili and formerly of Cadi of Constantinople, and Ahmed Aalif, Reis Effendi; who having reciprocally communicated their full powers, proved to be in good and due form, have agreed upon the following Articles:—Article I. His Britannic maj. already connected with his maj. the emperor of Russia by the ties of the strictest alliance, accedes by the present treaty to the defensive alliance which has just been concluded between his majesty the Ottoman emperor and the emperor of Russia, in as far as its stipulations are applicable to the local circumstances of his empire and of that of the Sublime Porte; and reciprocally, his maj. the Ottoman emperor concludes by this treaty the same engagements with his Britannic maj. so that by virtue of the present defensive treaty, and of the alliances and treaties which already exist, there shall be established for ever between the three empires, peace, good understanding, and perfect friendship by sea and by land, so that for the future the friends of one of the parties shall be the friends of the other, and the enemies of the one shall be equally regarded as the enemies of the others: it is for this reason that the two high contracting parties promise and engage to communicate freely with each other in all affairs which may interest their tranquillity and reciprocal security, and to take with one accord the necessary measures to oppose all projects hostile to themselves, and to bring about general tranquillity.—Art. II. In order to give full and intire effect to this alliance, the high contracting parties mutually guarantee their possessions to each other: his Britannic majesty guarantees to the Ottoman Porte all the possessions without exception, which it held immediately before the invasion of Egypt by the French; and reciprocally his maj. the Ottoman emperor guarantees to G. Britain all its possessions without any exception whatever.—Art. III. Although the two contracting parties reserve to themselves the full right of entering into negociation with other powers, and of concluding with them any treaties which their interests may require, they nevertheless mutually engage, in the most binding manner, that those treaties shall not contain any condition which can ever cause the least injury, damage, or prejudice to either of the two, or be detrimental to the integrity of their states; they promise on the contrary to consult and to preserve to the best of their power their reciprocal honour, security, and advantage.—Art. IV. In all cases of hostile attack against the states of one of the contracting parties, the succour to be furnished by the other shall be regulated by the principles of good faith, conformably to the intimate friendship which exists between the two empires, and according to the nature and the exigency of the cases in question.—Art. V. The two contracting parties acting together, either with the whole of their forces or with the succours furnished in virtue of this alliance, one of the parties shall not conclude any peace or permanent truce without comprehending in it the other party, and providing for its security; and in case of an attack upon one of the parties, in consequence of the stipulations of this treaty or of their faithful execution, the other party shall assist him in the manner the most expedient and most conformable to the common interests, according to the exigency of the case.– Art. VI. The two high contracting parties are agreed and have determined, that when their fleets, squadrons, vessels, and other ships of war shall meet, they shall salute each other, observing, as to which side shall commence the salute, the superiority of the rank of the commanders, indicated by their flags. And in case their rank shall be equal, they shall not salute each other. The salute shall be returned by an equal number of guns. On a meeting taking place, boats shall therefore be sent in order to concert mutually, and to avoid all misunderstanding.—Art. VII. The trophies and all the booty which may have been taken from the enemy, shall belong to the troops which have taken them.—Art. VIII. The two high contracting parties being actually at war with the common enemy, agree to make common cause, and not to conclude any peace or truce but with one accord, as has been stipulated in the fifth Article; so that on one side the Sublime Porte, notwithstanding the cessation of the present attack directed against her states, shall be bound to continue the war, and to remain faithfully attached to the cause of her august allies, until the conclusion of a peace, just and honourable for them and for herself; and on the other side, his Britannic maj. shall be equally bound not to make peace with the common enemy, without providing for the interests, the honour, and the security of the Ottoman empire.—Art. IX. The two allies thus making common cause, promise to communicate to each other their intentions relative to the continuance of the war and the conditions of peace, and to concert with each other on these subjects, guiding themselves by the principles of justice and equity.—Art. X. In order to render more efficacious the assistance, to be furnished by both parties in the present war, according to the spirit of this treaty of alliance, the two high contracting parties shall concert together on the measures which may be best calculated to defeat the pernicious projects of the enemy in general, and particularly in Egypt, and to destroy his trade in the Levant and the Mediterranean; and to this effect his maj. the Ottoman emperor engages not only to shut all his ports without exception to the commerce of the enemy, but also to employ in his states against him, in order to impede the execution of his ambitious projects, an army of at least 100,000 men, and to augment it, if the case should require it, to the utmost extent of his forces. He shall also put his naval force in a state of preparation, to act in concert with that of his allies in the seas before mentioned; and his Britannic maj. reciprocally engages on his part, to employ in the said seas, a naval force always proportionate to that of the enemy, in order equally to annoy him, concerting with the fleets of his allies the means of throwing obstacles in the way of the execution of the enemy's plans, and more especially of preventing any attack upon the states and provinces of the Ottoman empire.—Art. XI. It being understood that the continuance of the British forces in the Levant has for its principal object the defence of the Turkish coasts, and that desertion by weakening the means must infallibly prove detrimental to that object, the two high contracting parties engage not to tolerate it under any motive or pretext whatsoever.—Art. XII. Although the two high contracting parties are anxious to preserve these engagements in force as long as possible, yet as circumstances may in time require some change in them, it is agreed to fix the term of eight years for the duration of this definitive treaty of alliance, counting from the day of the exchange of the ratifications. At the expiration of that term, the two parties will enter into amicable discussion for its renewal, conforming themselves to the existing situation of affairs.—Art. XIII. The present treaty of defensive alliance shall be ratified by his maj. the king of G. Britain, and his maj. the Ottoman emperor, and the ratifications shall be exchanged at Constantinople in 3 months, or sooner if possible. In witness whereof, we the undersigned, ministers plenipotentiary aforesaid, have signed the present treaty of alliance, and have affixed to it the seal of our arms, together with that of the legation of his Britannic maj. at the Sublime Ottoman Porte. Done at Constantinople, the 5th of Jan. 1799. Wm. Sidney Smith, John Spencer Smith, Ibrahim Ismael Bey, Ahmed Aatiff Reis Effendi.

No. II.—Extract of a Dispatch from the Earl of Elgin to Lord Grenville, dated Constantinople, 25th Nov. 1799.

On Saturday (Nov. 23) I had the honour of presenting my credentials to the Kaimacam who now supplies the place of the Grand Vizier, and by particular request, at the same time exchanged the ratification of the treaty with which his maj. had been graciously pleased to intrust me.

No. III.—Extract of a Dispatch from the right hon. Ch. Arbuthnot to Mr. Secretary Fox, dated Buyukdere, 25th Aug. 1806.—Received 29th Sept.

It was yesterday settled at the Porte that the present Hospodars of Moldavia and Wallachia should be recalled, and that prince Charles Callimaki, the First Dragoman of the Porte, should be named to the government of Moldavia, and prince Alexander Suzzo to that of Wallachia; at the same time Mr. Bano Hanchyry was appointed Dragoman in the room of prince Callimaki. To give you a perfect idea of the disrespect with which Russia has been treated in this instance, it is necessary that I should transmit to you an extract from the Regulations respecting Moldavia and Wallachia, which were published in the year 1802. As no accusation whatever has been brought against either of the Hospodars who are now removed, there can be no excuse for breaking the convention; by which it was stipulated with Russia that 7 years should be the period of each prince's government. You will probably expect to hear that this measure has originated with the French ambassador; in effect there are proofs sufficient that it is his work.

(Translation of Inclosure, referred to in No. 3.)

The term of the continuance of the Hospodars in their governments shall from henceforth be fixed at 7 complete and entire years, to date from the day of their nomination, and if they are not guilty of any open offence, they shall not be displaced before that term is expired; if they do commit an offence during that time, the Sublime Porte will inform the minister of Russia of the circumstance; and if, after due examination is made into the affair on both sides, it shall appear that the Hospodar has really committed an offence, in that case only his deposition shall be allowed.

No. IV.—Extract of a Dispatch from Mr. Arbuthnot to Mr. Secretary Fox, dated Buyukderé, 29th Sept. 1806.

On the 18th of this month the Dragoman of the Porte communicated to Mr. Pisani * for my information, a Note which had been presented by the French ambassador a copy of which I have herewith the honour to inclose.

Inclosure referred to in No. 4.—Note presented by the French Ambassador at the Porte, to the Reis Effendi. Dated Perà 16th Sept. 1806.

The undersigned, general of division, ambassador of his maj. the emperor of the French, king of Italy, has the honour to lay before his exc. the Reis Effendi the following Considerations.—He has been positively informed, although in an indirect manner, that the Russian legation has delivered a Note to the Sublime Porte, in which it is said that the emperor of Russia has refused to ratify the treaty of peace signed at Paris by his plenipotentiary. This refusal places Europe in the same situation in which she was 6 weeks ago, but it unmasks the projects of Russia. This treaty of peace stipulated for the independance of the seven islands; a stipulation which removing the Russians from the Mediterranean, where they had established themselves in order to attack the Ottoman empire at various points, could not be acceptable to them.—Ragusa was restored to its independance under the protection of the Sublime Porte: this arrangement rendering it impossible for the Russians to keep up their intelligence with the Montenegrians and with the revolted Servians, was contrary to their views.—Doubtless it is the arti-

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* First Dragoman or Interpreter attached to the British mission.

cle which stipulates for the independance of the Ottoman empire and the integrity of its territory which has occasioned the rejection of the peace at Petersburgh; Russia then perceived that she could no longer seize provinces of that empire by force of arms as she seized the Crimea, or extort them from her in time of peace, as she did with regard to Georgia and the passage of the Dardanelles.—This treaty of peace, in fine, leaving the French in Albania and Dalmatia, placed upon the frontiers of Turkey her most ancient ally and her most faithful friend, who would have remained and will ever remain ready to defend her. Such are the motives which have lend the cabinet of Petersburgh to this refusal. I do not give way to vain declamation; I lay facts before you; I beseech you to weigh them with all the attention to which they are entitled.—If in these difficult circumstances the Porte does not form a true estimate of her dangers and of her force, if she does not form the decision her interests require of her, I shall perhaps ere long have to lament her fate.—The undersigned has received the most positive orders from his maj. the emperor of the French, king of Italy, to declare to the sublime Porte, that not only the principles of friendship, but those of the strictest neutrality, require that the Bosphorus should be shut against all Russian ships of war, as well as against every other vessel of that nation, bringing troops, ammunition, or provisions; and that the said passage cannot be opened to them without committing an act of hostility against France, and without giving his maj. Napoleon the great a right of passage over the territories of the Ottoman empire, in order to combat with the Russian army on the banks of the Dniester.—Any renewal or continuation of alliance with the enemies of France, such as England and Russia, would be not only a manifest violation of the neutrality, but an accession on the part of the Sublime Porte to the war which those powers wage against France, and his maj. would see himself compelled to take measures conformable to his interests and his dignity.—The Sublime Porte cannot maintain her relations with two missions from Naples, and his maj. the emperor of the French cannot suffer his august brother Napoleon Joseph King of Naples and the two Sicilies, to meet with difficulties here which he does not experience from any power in amity with France.—His maj. the emperor has a large army in Dalmatia: this army is collected for the defence of the Ottoman empire, unless an equivocal conduct on the part of the Porte, and a condescension towards Russia and England, which might again throw her into their power, should compel his maj. the emperor of the French to bring forward his formidable forces for a purpose totally opposite to that which he had in view.—His maj. has ordered the undersigned to state to the Sublime Porte in the most friendly, though energetic manner, these demands, for the purpose of obtaining an answer in writing; and it is expected that this answer shall be positive and categorical.—No further delay can be allowed; and his maj. has no doubt that the Sublime Porte will give him the assurances he desires, and which are so much in unison with the interests of the Ottoman empire.—The undersigned has no wish to make a vain display of the formidable forces of the great Napoleon; his friends know how to estimate their importance; his enemies have felt their power.—The genius of his august master is well known; his determinations are wise and prompt, his personal attachment to his highness is sincere. He only seeks the independance, the integrity, and the glory of Turkey. He desires nothing. He asks nothing. What inducements to an union with him! At the same time what reason to apprehend the loss of his good-will by adopting a timid, uncertain, or inimical line of conduct! Under these circumstances the answer of the Sublime Porte will regulate the conduct of my august master. Let not the threats of the enemies of France impose upon the Sublime Porte; they have been vanquished, and they will ever be so. The great Napoleon will employ all his resources for the glory of his highness Selim III. his friend; and his resources are immense, his genius is still greater.—This Note is of sufficient importance to be submitted to the profound wisdom of his maj. the emperor Selim III. and your exc. is requested to take the earliest opportunity of laying it before him. The undersigned &c. HORACE SEBASTIANI.

No V.—Extract of a Dispatch from Mr. Arbuthnot to Mr. Secretary Fox. Buyukderé, 17th Oct. 1806.—Received 2d Jan. 1807.

On the 15th inst. a conference with M. d'Italinsky took place according to appointment. The Ex-Chiaya Bey was present, and there was still an effort made to negotiate. The Russian minister, however, would of course listen to nothing but the immediate and unconditional restoration of the Hospodars, which before they parted was agreed to in the manner that he required.

No. VI.—Extract of a Dispatch from Mr. Arbuthnot to Lord Howick, dated Pera, 1st Dec. 1806.

In the short dispatch which I wrote to your lordship on the 25th of last month, I had the honour of informing you that I was in daily expectation of the arrival of admiral Louis with a squadron at the Dardanelles. At the time I was writing to your lordship, the squadron, consisting of three line of battle ships, was anchored off Tenedos; from whence, however, in consequence of a letter from me, it was immediately removed to the Dardanelles, and the admiral himself having left two of his ships at that place, came up in the Canopus to Constantinople. He arrived here on Friday evening the 27th ultimo, and his ship, together with the Endymion, is now at anchor in this harbour.

No. VII.—Dispatch from Lord Howick to Mr. Arbuthnot, dated 14th Nov. 1806.

Sir; Your dispatches to No 69, inclusive, have been received and laid before the king.—In obedience to his maj's commands, I have the greatest pleasure in expressing to you his royal approbation of the whole of your conduct, in the discussions which have taken place between Russia and the Porte.—It is much to be lamented that any thing should occur to divide, and perhaps to turn against each other, the efforts of those powers which a sense of their mutual interests should unite against the common enemy; and on this account, however adverse the conduct of the Turkish government may have been to any expectation of its success, every practicable mode of calm and amicable remonstrance should be used in the hope of recalling the Porte to a better policy.—The fatal effects of French influence in the councils of other powers are not in want of any illustration; and indeed if the situation of so many nations, once independent, and now the vassals of France, did not place in the most striking view the nature of the security to be derived from an alliance with that power, whilst it holds a position enabling it to act offensively against the object of its promised protection; the little disguise observed by M. Sebastiani would alone be sufficient to open the eyes of any government not absolutely blind to its own preservation. It is distinctly avowed in the Note of that minister, that the possession of Dalmatia and Albania by the French, whilst it is asserted to be for the defence of the Porte, may at any time be used for its destruction. Even the offer of protection is accompanied by a direct menace of attack on the Turkish dominions; if the Porte does not at once renounce its connexion with allies whose powerful and disinterested support it has already experienced, and become unfaithful to its subsisting engagements.—The evident tendency of such conduct on the part of the French government, and the effect it must inevitably produce with respect to the allies, if the Porte should yield to an influence so fatal to its security, are very properly pointed out in the Notes which you have delivered. You will immediately state that they have met with the decided approbation of this government; and you will add, that there can exist but little hope of preserving the relations of amity between the two powers, whilst a minister, whose influence has already been so prejudicial to the friendship subsisting between them, is suffered to remain at Constantinople. The insulting and faithless propositions made by M. Sebastiani, which it is much to be regretted the Porte did not immediately reject with indignation, justify the allies in requiring that he should be removed. You will therefore, in enforcing the representations which you are hereby instructed to make, of the necessity of immediate satisfaction with respect to the just demands of Russia, urge this point also in the strongest manner, as of the greatest importance to the preservation of a good understanding between the two powers.—It was thought right to lose no time in forwarding to you this dispatch, at the same time that an additional naval force is preparing to be sent to lord Collingwood, which may enable him to detach a sufficient squadron to Constantinople, to give weight to, and if necessary to enforce an acquiescence in your representation.—Whether it may be prudent immediately to avow this intention, it will be for you to consider. The commercial establishments formed by British subjects in the Turkish dominions, and the danger to which their persons as well as their properties may be exposed from the violence of a power restrained by none of those rules of conduct which govern civilized nations, will not fail to be duly weighed by you in forming your determination.—When this force sails, further instructions will be sent to you, which the additional information that may be expected will probably enable me to apply with more certainty to the existing circumstances.—In the mean time, as a rupture appears but too probable, you will take all necessary measures of precaution for securing every thing that belongs to your mission, and for guarding the persons and property of the British merchants against any injury.—I am preparing instructions relative to the Dragomans, and other objects mentioned in your former dispatches, which shall be sent by the earliest opportunity. **Howick.**—P. S. I have every reason to expect that the proposed reinforcement to lord Collingwood will sail in 4 or 5 days, and his ldp. will have orders immediately to detach a sufficient squadron to the Dardanelles.

No. VIII.—Dispatch from Lord Viscount Howick to Mr. Arburthnot, dated Downing Street, 20th Nov. 1806.*

Sir; The particulars of the late conduct of the Porte, as detailed in your dispatches, have engaged the most serious attention of this government; they but too clearly demonstrate the prevalence of the French influence in the Divan, and impose on his majesty the necessity of taking the most prompt and vigorous measures for the security of his own interests, and for the fulfilment of his engagements to his ally the emperor of Russia.--You have been already apprized of the king's intention to send a powerful squadron to Constantinople for this purpose. The departure of that squadron now enables me to furnish you with these further instructions for your conduct.—You will immediately on its arrival declare to the Turkish government the reasons which have induced his majesty to take this measure. You will state that the British fleet comes either to attack or defend, as the conduct of the Porte shall determine; that it would always be more consonant with the most earnest wishes of his majesty's heart, to appear rather in the character of a friend than an enemy to a power whom interest should unite with him in support of the common cause, and with whom the increased dangers of the present crisis would dispose his majesty to strengthen the bonds of his alliance; but that the determination of which of these characters his majesty is to assume, must now rest with the Porte; and that his majesty feels himself under the necessity of peremptorily proposing this alternative, either the influence of France must cease, or the friendship so long established between the two powers, a friendship beneficial to both, but eminently advantageous to the Turkish government, can no longer continue.—Nor are the proofs which his majesty requires of the destruction of an influence so fatal to the best interests of the Porte, unreasonable in themselves, or difficult to be given. They consist simply in a faithful observance of the engagements which the Porte has contracted with the allies. By treaty the Porte is bound not to dispossess the Hospodars of Wallachia and Moldavia for a certain time, or without the consent of Russia. By treaty the Porte is also bound to permit the passage of Russian ships of war, with the necessary transports to convey stores and provisions, through the canal of Constantinople.—Let the deposed Hospodars be re-instated in the governments of which they have been unjustly dispossessed. Let the passage of the Russian ships be granted, free from impediment, according to the terms of the treaty, and all appearance of hostility on the part of Great Britain shall immediately cease.—Upon these two points, therefore, you will immediately and peremptorily insist, as indispensable to the continuance of peace. Upon receiving a satisfactory answer, you will declare that the British squadron shall remain only so long as its presence may be necessary for the security and protection of the Porte itself; and you will give the strongest assurances of his majesty's support and assistance, if the Turkish government, adopting a better policy, should disengage itself from its connections with France. But if this satisfaction should unfortunately be refused, or improperly delayed, you will deliver in a note recapitulating the complaints which his majesty has to urge against the Porte, and declaring your mission to be at an end; and taking care, as far as may be possible, to secure the persons and property belonging to it, as well as to the British factory, you will retire on board the fleet, or to a place of safety, and immediately signify to the British admiral, that hostilities are to commence.—There are indeed other points which, even if the Porte should acquiesce in the demands which you are above more particularly instructed to make, must not be overlooked; and particularly the removal of M. Sebastiani from Constantinople, and the renewal of the treaty with Great Britain. The first, more especially, should be much insisted on, as of the utmost importance to a preservation of the good understanding between the two powers; but neither of them are such as, if the principal objects in dispute are conceded, would of themselves justify a declaration of war.—The former part of these Instructions having been written in the hope that the Russian minister may not yet have quitted Constantinople, it still remains for me to provide for the case of war having actually begun between Russia and the Porte.—In this case you will offer the mediation of his majesty on the ground of immediate compliance with the two principal demands above referred to, viz. the restitution of the Hospodars, and the free passage of Russian ships to and from the Black sea. Should this offer be accepted, you will immediately dispatch a confidential person to the general commanding the Russian army, and to M. Italinsky, if he should be in a situation to receive such a communication, requesting a suspension of hostilities for the purpose of commencing a negotiation for peace, for the conclusion of which you will continue to employ your good offices.—If, on the contrary, this just offer should be rejected, you will, as in the former case, terminate your mission, and send the necessary information to the officer commanding his majesty's ships of war, that he may proceed, according to his instructions, to enforce, by the power of the British navy, those fair and equitable demands, a compliance with which it would have been so much more satisfactory to his majesty to have obtained from the Porte through a sense of its own interest, and an acknowledgment of their moderation and justice. Should the Turkish government unhappily persevere in listening to the councils of France, his majesty is confident, that the events which must follow cannot be imputed to Great Britain or Russia: their conduct towards the Porte has been uniformly that of the most disinterested friendship, and the Porte has, in more than one instance, experienced the efficacy of their power in defending her against the designs of France. Those designs, though not now pursued by open force, are not less apparent than when France, faithless to her engagements at the same time that she insolently professed to act as an ally of the Porte, invaded and conquered one of the dependencies of the Turkish empire; that conquest was wrested from her, and restored to the Porte, by the successful arms and generous policy of Great Britain. In the same spirit the allies have still continued to act towards the Porte, and that government must be under the influence of a blindness hardly to be conceived if, in opposition to such recent experience, and to her most evident interests, she shall reject an alliance in which she has hitherto found security and honour, under the belief that either can be attained under the promised protection of France. Are the designs of France doubtful? Let the position which she occupies in Dalmatia and Albania, which cannot be stated to be in any way necessary to the security of her own frontier—let the language of M. Sebastiani himself, declaring that, from that point offensive measures may be taken, and openly threatening the destruction of the Turkish empire—answer that question. The proofs of the designs of France are indeed too numerous to be recited, and the invasion of Egypt serves as an example of the attempts which that government is prepared to make, not on that country only, but on Greece, on Syria, and on other valuable dependencies of the Turkish empire. In such a situation of affairs, the intrigues and the menaces of France equally render any temporizing measures impracticable; the Porte is placed in a situation in which a real neutrality can no longer be preserved, and she must choose between those powers whose friendship she has experienced, and those whose promises she has so much reason to distrust. Against France, more fatal to the interests of Turkey as an insidious friend than as an open enemy, his majesty and his august ally have offered their generous protection, and having exhausted all the means of conciliation consistent with their interests and their honour, his majesty awaits the result, whatever it may be, with an entire confidence, that the uniform disinterestedness of his intentions will be fully manifested to the world. I am, &c. HOWICK.

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* Not received by Mr. Arbuthnot until after he had quitted Constantinople.

No. IX.—Extract of a Dispatch from Mr. Arbuthnot to Lord Howick, dated Pera, 27th Jan. 1807.

Late at night on the 23d inst. my servant arrived with your lordship's dispatch of the 14th of last Nov. It has been the highest gratification to me to learn from your lordship that my conduct has met with his majesty's approbation. Your lordship will have the goodness, I hope, to take an opportunity of expressing to his majesty my deep sense of this distinguished favour, and you will allow me at the same time to offer my sincere thanks to yourself for the obliging manner in which you made to me so flattering a communication.—After the receipt of your lordship's dispatch I lost no time in asking for a conference. It was fixed for the 25th inst.; and on my arrival at the Porte I found Ismet Bey, the Reis Effendi, the Chiaya Bey, and the Ex-Chiaya Bey, all assembled.—As the conference lasted more than four hours, it would require a length of time to set down on paper all that was said on that occasion. Being anxious to inform your lordship without delay of my having received your instructions, and having also to forward my eight preceding dispatches, which have been detained till now by a contrary wind, I shall for the present do little more than refer to the contents of the letter herewith inclosed, which was sent by me yesterday to the Reis Effendi. Indeed that letter may give a tolerable idea of what passed at the conference; for the Ottoman ministers, who of late had been displeased at what they called my personal partiality to Russia, and who all along have expressed their conviction that his majesty was not acting in concert with Russia, were now so amazed and dejected, that they did not utter a single word which is worth repeating to your lordship. They confined themselves entirely to their usual professions of friendship for his majesty; to the complaints, which I had often heard before of the treatment they had received from Russia; and to excuses for their own conduct, grounded on the changes which have taken place in Europe. They declared, however, that they could give no official answer until the Sultan's pleasure had been known.—I have only to observe, in addition to what your lordship will find in my letter to the Reis Effendi, that as it was left to my discretion, either to announce or to conceal the approaching arrival of a second squadron, I determined on the former after some deliberation.—I was convinced that the only chance of opening the eyes of the Porte would arise from its being proved that his majesty's final resolution had been taken; and for this reason, I made to the Ottoman ministers the communication in question, and read to them such parts of your lordship's dispatch as would be right for them to know.—Your ldp. left it also to my discretion how to act with respect to the eventual departure of the merchants. I knew that many of them had outstanding debts to a considerable amount, and here in particular, it would be impossible to settle their accounts at a short warning. I therefore informed the Porte that I should immediately prepare our factories for their departure, which had likewise the effect of shewing that his majesty's government was really serious; and I obtained a solemn promise that, should it be necessary, the British merchants, as had been the case with the Russians, should have firmans to pass the Dardanelles.—I have since made known to the factory here the present state of things; and should his majesty's subjects be ultimately obliged to leave the country, I will take every possible care to procure for them the means of departing in safety. I am no less attentive to the factory at Smyrna, and to the British commercial establishments at the other states of this empire.

(Inclosure referred to in No. 9.)—Letter from Mr. Arbuthnot to the Reis Efendi, dated Pera, 26th Jan. 1807.

Sir; Your excellency expressed a desire of receiving in writing, the substance of what I had the honour of stating to you in our conference of yesterday. In compliance with this desire, I shall recall to your recollection the several topics which, by my sovereign's orders, I had to lay before you; and in again pointing out the line of conduct which his maj. expects from the Porte, I shall in their very words, repeat the orders which I have now received, and which, as they admit but of one construction, it will be my duty most literally and most faithfully to obey.—That your excellency and the other ministers who assisted at the conference might understand more clearly the motives which had induced his maj. after a long enduring patience, to change his conduct towards the Porte, it was necessary for me to allude to the first conference I had after my arrival in this country. I told you that Mahmood, who was then Reis Efendi, had scarcely given me time to leave the frigate, before he invited me to a conference; that his first question was, whether I was authorized to renew the treaty; and that to give me a convincing proof of the Sultan's desire to continue that connection with his maj. which had already been productive of such inestimable benefits to this empire, he read to me a note from his highness to the Vizir, which had been written as I was coming round the point of the Seraglio, and which, as I remember well, contained these words: 'I see that the ambassador of my friend the king of England is arrived; let my Reis Efendi see him immediately, and let me know whether he has brought powers to renew the Treaty.' I should not presume to quote the words of the Sultan's note, if even one of them had escaped my memory; but his highness I am sure will own the accuracy of my statement, and in revolving in his mind the feelings by which he was then influenced, he will regret perhaps that new counsellors soon inspired other sentiments.—I then informed you of the answer which I had given to Mahmood; and which, notwithstanding it contained the most satisfactory reasons for my not having been able to be myself the bearer of full powers, and was expressive of my conviction that they would soon arrive, was received however by that minister with marks of mortification which could not but prove that he, no less than his master, was aware that an alliance with England was the only means of insuring prosperity to this empire.—To save your excellency the trouble of reading the long details into which I was obliged to enter yesterday, I shall pass rapidly over all that intervened between that conference with Mahmood, and the arrival at Constantinople of the present French ambassador. Not that I consider the events which happened during that period as of inferior importance, and am therefore inclined to notice them but slightly: I feel on the contrary that the conduct of the Ottoman government in regard to those events, has been the cause of all the evil which we are now witnessing; and as that conduct has been no less lamented by your excellency than by me, it would be with yourself that I ought chiefly to discuss it. To you, indeed, I might with peculiar propriety express my feelings of sorrow that the wise principles which I heard from you on your first entrance into office, have either been forgotten, or, what I think is more probable, have unfortunately been opposed by superior influence.—But to save time and to save you trouble, I shall briefly observe that consistently with what I had declared to Mahmood, full powers for negotiating the treaty did almost immediately arrive. Though your exc. was not then in office, you are not ignorant of the joy which was expressed when it was known that my sovereign was willing to renew his connexions with the sultan. You remember well that the approach of the Ramazan alone prevented the immediate commencement of the negociation; and you are equally aware, that when that time of religious retirement was expired, the sentiments of the Ottoman ministers had entirely changed; and that, without frankly confessing the real truth, there was an attempt to justify delay by the most absurd pretences. You know that the misfortunes which had happened to Austria (instead of being considered as additional reasons for consolidating that system which in times of danger had proved the surest bulwark of this empire,) were the signal on the contrary for abandoning the principles which till then had influenced the Ottoman councils. As if total blindness had been produced by a sudden panic, this government abandoned the security which had been derived from acting in conjunction with its allies; and imaginary perils gave place to real ones, when a connexion with that power was sought, whose professions of friendship have uniformly been more baneful than its open enmity.—By referring to the minutes of the conferences which I had at the time with your immediate predecessor, your exc. will find that when I discovered the intention to deceive me; far from insisting upon a renewal of the treaty, I expressed no more than the sense I justly entertained of the indignity which had been offered to my sovereign, and only demanded an explicit avowal of the real determination of this government.—Such an avowal the ministers of that day were not inclined to make to me; nor even did they think it necessary to advise the Sultan to open his mind confidentially to my sovereign, though some valid reasons were undoubtedly wanting, as an explanation for declining to renew the treaty which here and not in England had been so earnestly desired; though I as a friend had pointed out that a letter to that effect ought in prudence to be written; and though, as recent facts have proved, there is not the same unwillingness to address his maj. when his powerful interference is wanted, as was evinced when an offence against him was to be accounted for and explained.—But the advisers of his highness were then otherwise engaged. They were wholly occupied in receiving, with signal marks of distinction, the person who had come to demand the acknowledgment of Buonaparte's new imperial titles, and in preparing the answer which was to announce to that chief of the French nation, that his demand had without hesitation been agreed to.—It is true that both to M d'Italinsky and to me communications were made of Buonaparte's overture; and as it came from the head of a government with which the Porte ought at least not to have considered herself as on terms of friendship, for treaties with G. Britain and Russia were existing by which she had expressly stipulated that their enemies should be hers, it was not unreasonable to suppose that in the communication made to us there was a desire to consult our opinion.—Our answers were not delayed, for the danger of becoming thus connected with the French government was sufficiently evident without deliberation. With a warning, and as it now appears, with a prophetic voice, we cautioned the Ottoman government against the admission of a minister whose unceasing efforts would be to sow dissension between the Porte and her allies: but though twenty-four hours had not elapsed between the time of the communications made by the Porte, and of our answers, the deed had been already done; and in an evil hour, a last and fatal blow had been given to the system which the Sultan's enemy, as well as ours, had so long and so unceasingly been endeavouring to undermine. — It was then that the triple alliances may be said to have been virtually dissolved; and then was prepared that new state of things which we are now witnessing, and which, from the effects it has already produced, does not argue great wisdom in its contrivers.—Tired out with such constant failure in our endeavours to save the Porte from the false measures she was pursuing, the Russian minister and I would both of us have gladly been relieved from long and unsuccessful labours. But still it was our duty to have constant discussions with the Porte; and still had we to lament that all our efforts to obtain justice for our governments, and to inspire councils wiser for herself, were equally without avail.—On commercial subjects:—On that of Protections, in regard to which my sovereign in particular was treated with disrespect, for, to gratify the Porte, he had voluntarily abandoned long enjoyed privileges: On the right to carry the Russian flag, which my colleague had to assert: On the passage of Russian ships of war through the Bosphorus, though it formed an article of a treaty but just renewed: On all these subjects, and on various others which could be enumerated, I and the Russian minister had daily to remonstrate with the Porte; and, as your excellency well knows, it was scarcely ever that we remonstrated with effect. Indeed so notorious was the disinclination of the late ministers to give us satisfaction with respect to our just demands, that your excellency at our first meeting assured me in expressions which did you honour, 'that the time of evil conduct was gone by, and that the commencement of your ministry should make an epoch more worthy of the Sultan, and more satisfactory to his allies.' Your excellency I am confident was sincere in these professions: to give them effect you wanted only that influence which I wished you to obtain; but which was still possessed by persons who had had their share in separating the Sultan from his allies; and who having now to work in secret, unchecked by the responsibility attached to public situations, had thereby the means of baffling more effectually your efforts as well as ours.—I come now to the event which was naturally to be the consequence of the acknowledgment of Buonaparte's title. I allude to gen. Sebastiani's arrival. He found the ministers of the allies injuriously treated by the Porte; and it was not to be expected that, after he was present, the conduct towards their governments would be improved; and in effect his arrival was the signal for those more overt acts of aggression which have so justly excited the displeasure of our sovereigns.—I shall pass by unnoticed the attentions shewn to the new ambassador: they were irregular and unprecedented; but I feel that they were more disgraceful to those to whose instigation they were owing, than it has been disreputable to us not to share them. But I shall confine myself to those two acts by which the embassy of M. Sebastiani has been principally marked. To the note he presented on the 16th of last Sept. and to the deposition of the Hospodars, which was so equally his deed that he did not scruple to take the glory of it.—Respecting the note, I need say the less, as the Ottoman ministers had at the time my written sentiments on the subject, as your excellency and your colleagues saw yesterday in the instructions sent to me from England, that those sentiments had met with the most decided approbation of his maj.'s government; and as, what is far more deserving your attention, you have from the very words of his maj.'s cabinet minister learnt the effect which the conduct of the Porte with regard to that note had produced in England. You have seen that the insulting and faithless propositions made by M. Sebastiani ought, in the opinion of my government, to have been immediately rejected with indignation; and you have perceived that little hope was entertained of preserving the relations of amity between the two powers, whilst a minister, whose influence had already been so prejudicial to the friendship subsisting between them, was suffered to remain at Constantinople.—On the other subject, that of the Hospodars I mean, it will be necessary to re-state to you as accurately as I am able, what I mentioned yesterday. It is true that you did restore them; but may I not ask, as I have done before, whether the unwillingness manifested to repair the injury you had committed, and whether the time which was allowed to elapse before you could be persuaded to give new effect to violated engagements, were not sufficient grounds for suspicion, and sufficiently strong motives for demanding some more solid security? May I not ask, whether this suspicion has not since been fully justified, and whether in your notes and manifestoes, you have not avowed the reluctancy you felt in fulfilling your most solemn treaties?—Our governments were not to be deceived. The confidence I had placed in the assurances of your excellency, and your unqualified disapprobation of that conduct towards Russia, which is now represented as perfectly justifiable, had led me to give the praise of sincerity to this government which I find to have been ill deserved. But our sovereigns did not partake of the delusion which, I must fairly own, had blinded their ministers. They had not heard the strong and repeated professions of your exc.; they had only to calculate the time which had passed in negotiation, and to observe the difficulties which we had every instant to encounter, and they had already obtained too convincing proofs, that the influence inimical to the friendship between the Sultan and his allies still prevailed. They resolved therefore on such measures as would remove all doubt as to the real designs of the Porte; and these measures were to be accompanied with such declarations as cannot but prove that, notwithstanding all that has happened, friendship, and not enmity, is their real object.—Gen. Michelson marched into Moldavia, and, in the proclamation which he then issued, you will have found the terms on which the emperor has offered the renewal of his friendship. You would have heard the same from his late minister at this court, if you had not hurried him from your country; and if, in contradiction to the solemn assurances given to me, you had not rashly committed an act of hostility by the seizure of the Russian brig, which had been the bearer of explanatory dispatches. —Of what is expected from you by my sovereign, I had the honour of informing you yesterday. You know the reasons why his maj. feels himself justified in requiring the removal of M. Sebastiani. He is convinced, as I have already told you, that the presence of that minister is incompatible with the existence of friendship between the Porte and the allies; and he thinks with the emperor, that a false and hollow peace would be worse than open war.—It is therefore for the Porte to make her choice between France and her allies.—Should the boastings of France continue to be credited; should faith be placed in her professions of friendship, and should the menaces which accompany those professions excite no alarm; then, most probably his maj.'s offer will be rejected, and gen. Sebastiani will remain. Should there, however, be some recollection of what Russian armies have atchieved, and of what British fleets have been known to execute, it may occur to the Porte that her late conduct has not been wise. She may, as I said yesterday, then wish to place herself in that situation in which I found her when I first arrived. She has still the means of doing it. She has only to comply with the just demands of his maj. and the emperor; and both these sovereigns will, with greater joy, concert measures for her defence, than they have now concerted those which they found essential to their interests.—I might now conclude, for I have retraced to your exc. nearly the whole of what I stated in my conference, and I feel that I have fully executed all my instructions. But I cannot close the last letter which perhaps I may ever write to your exc. without exhorting you to exert that influence which belongs to your high and distinguished situation. Make those feel whose errors have caused the evil which is now impending, that, whatever changes may have taken place in

Europe, there are none which ought to affect the ancient system of this empire. Make them understand, that the armies of Russia being concentrated are become more powerful, and that Great Britain has not lost the means of protecting her allies, and of injuring her enemies. Your exc. by enforcing these truths, may be the saviour of your country. You may renew the friendship which had existed between the Sultan and his allies; and you may thus render even to my sovereign a most grateful service. His maj.'s regard for the sultan remains unaltered. It has been with grief that he has been forced to measures so little consonant to his personal feelings; but he was aware, that it was the duty of a sovereign to make every sacrifice to the honour of his crown, and the interest of his people. He would rejoice if his private wishes could be made to accord with his public sentiments; and it may, I trust, be your exc.'s work to destroy the effects of evil councils, and to renew those happy days when Great Britain and Russia were united in successfully endeavouring to promote the interests of this empire. I have the honour to be, &c. (Signed) CHARLES ARBUTHNOT.

No. 10.—Extract of a Dispatch from Mr. Arbuthnot to Lord Howick, dated Canopus, off Tenedos, 3d Feb. 1807.—Received 2d May by Mr. Sec. Canning.

The dispatch which I wrote on the 27th of last month will have informed your lordship of my having received your Instructions of the 14th of Nov. and of the conference which immediately after their arrival I had with several of the Ottoman ministers.—It is now necessary that I should state my reasons for having joined his maj.'s squadron, instead of remaining at my post until I had been ordered to quit it by your lordship; and I feel perfectly confident that my conduct on this occasion will not subject me to any censure.—I shall be able to prove clearly that there was an avowed design to cut off my communication with his maj.'s government; and I shall have to relate some other circumstances which will make it no less evident, that I was residing in a country, where, in conjunction with our enemy, measures of hostility against his maj. had been already organized.—As the last dispatches which I transmitted to your lordship were of considerable importance, it was thought adviseable that a firman or passport should be procured for the officer of the Endymion, who was to convey them by sea to adm. Louis.—I accordingly directed Mr. Pisani to apply for a firman, and to prevent any delay on the part of the Porte, I sent him to the Reis Effendi very early in the morning of the 27th of Jan. it being my intention that the boat with my dispatches should leave Constantinople on the evening of the same day.—Instead of bringing me the firman, Mr. Pisani came to me about 5 in the afternoon, to let me know that he had not succeeded in his application; that he hoped however to have better success on the following day, but that the Reis Effendi seemed to dislike my transmitting any dispatches to England, as my writing so immediately after my conference, and before I had an answer from the Porte, gave ground for apprehension that I was not inclined to an amicable termination of our differences.—Not having at the moment any idea that the Porte could really intend decidedly to refuse a firman, I had no scruple in authorizing Mr. Pisani to assure the Reis Effendi in writing, and to give my word of honour for the truth of what he was to advance, that I could not delay sending a messenger to your lordship, as I had several dispatches to transmit which had been prepared before the arrival of the late instructions from England; and that with respect to those instructions, I had merely informed my government of what had passed at our conference, but that I had scrupulously avoided to give any opinion as to the nature of the answer which I was expecting to receive. I was anxious to make it clear to the Porte that I had not acted so unfairly as to prejudge the question; and your lordship will in fact have seen that I confined myself to a bare statement of what had passed, without venturing to form a conjecture whether the demands I had made would be agreed to or refused.—Mr. Pisani wrote that evening to the Reis Effendi, and very early in the morning of the 28th he went to the Porte for the purpose of renewing his application for a firman, and with the hope that the explanatory letter which I had enabled him to write, would certainly have removed every difficulty.—It did not appear however, that my assurances had produced the desired effect. The Reis Effendi could not continue to alledge the same excuse for delaying to deliver the firman, but now he took another ground, and after keeping Mr. Pisani waiting at the Porte the whole of the day, he at last did not scruple to say, that in the actual state of affairs it would be extremely embarrassing for the

Porte if I held a communication with the adm. of the British squadron.—It might, he observed, be my intention to write in such terms to the adm. as would cause hostilities against the Porte, and as I had declared in my conference that the strictest union existed between his maj. and the emperor of Russia, measures might be taken, in consequence of my letters, for the fleets of the two nations to attempt in concert the passage of the Dardanelles. Mr. Pisani has not informed me whether it was intended that all these particulars should be related to me; but I recollect his saying that he was desired by the Reis Effendi to endeavour to persuade me that the delivery of the firman had only been delayed, and was not decidedly refused.—As there was not a moment's time to be lost I quitted Mr. Pisani, and going immediately to capt. Capel, who happened fortunately to be in my house, I desired him to acquaint the Officer who was to carry my dispatches with the critical situation of affairs; and to give him orders to wait till it was dark, and then to set off for the Dardanelles without a firman.—I had hopes that the officer by taking this precaution might be able to reach the squadron without being detained, and I have been happy to learn since, that I was not deceived in my expectations.—With the view of ascertaining precisely what conduct towards me I might now expect from the Porte, I immediately wrote an official note to the Reis Effendi, in which I required to be informed whether the not allowing me to communicate with my government, had been owing to a mistake, and whether any thing of the like nature could ever again happen. This note, of which I herewith inclose a copy, was sent to the Reis Effendi, with no other loss of time than what was required to have it translated, and it was accompanied by a letter from me to Mr. Pisani, in which it was expressly stated for the information of the Porte, that it would be absolutely impossible for me to remain at Constantinople, if passports for my messengers were refused.—In the mean time I had heard from various quarters that the Porte, elated by the news of a great defeat which was said to have been suffered by the Russians on the 22d of Dec. had determined not to attend to the representations which your lordship had ordered me to make; and that the intention was to seize the Endymion, and to thwart the operations of his maj.'s government, by keeping me and the British factory as hostages.—As the Porte in the very recent instance of M. d'Italinsky had both verbally and in writing made no scruple to justify that treatment of foreign ministers, to which, in defiance of the usages established between civilized nations, she has always been accustomed; and as her not violating the rights of nations in her conduct towards the Russian mission, had been represented as a mark of peculiar condescension, I had no reason to expect that any the most reprehensible measures would be abstained from, which might afford the means of rendering it difficult for his maj. to defend his interests. Unless some such determination had been taken as I was informed of, it would have been difficult to account for the boldness evinced by the Porte in refusing passports for my messengers, and it might have been still less easy to explain her imprudence in having avowed her union with France, by employing in her service the military talents of gen. Sebastiani, and by distinguishing that ambassador, notwithstanding what had so recently been said on that subject, by new and unexpected honours. This minister of France had been appointed by the Porte to mark out the places where new batteries should be raised; he had been desired to station the ships where their range of shot would be most destructive; and to prove to him that in his person a defiance should be given to the English, he had been decorated with the insignia of that order which had been instituted by the Sultan as a token of gratitude to his maj. and as a lasting memorial of what had so gloriously been atchieved against the French by the British troops in Egypt.—Although I had so many and such strong reasons for mistrusting the Porte, and although capt. Capel had begun to be extremely alarmed for the safety of the Endymion, it was not till about 9 in the morning of the 29th of Jan. that I formed my resolution of endeavouring to quit Pera. I had not long resolved to do it before I learnt from a person who was not likely to deceive me, that according to the information I had already received, we were all of us really to be detained as hostages; and as Mr. Pisani came soon afterwards to inform me that he could neither obtain a firman nor an answer to my note, the Reis Effendi not having been prevailed upon to do more than to direct him to call again on the ensuing day; I had no doubt remaining as to the propriety of my retiring from a post where I was not allowed the means of doing my duty to my sovereign.—But the more I was impressed with the indispensable necessity of taking measures for my removal from Constantinople, the more I was struck with the extreme difficulty of being able to effect it. I had to provide for the security of the British merchants, and I had also to convey my own family on board of ship without suspicion being given of what I was intending.—As all depended upon the secrecy of my plans, and as there could be no hope of impressing upon each member of the factory the danger which would arise from a premature discovery, I determined to have them assembled on board the Endymion under the pretence of their being invited to dine there, capt. Capel having given orders before-hand that no one who entered the ship should be allowed to leave it without his permission.—This precaution was necessary, as all communication with the shore was thereby prevented; and as my secret was confided to no one, except to capt. Capel and to a merchant who had been selected to take care that none of his countrymen should be missing; I was sanguine in my expectations that all my arrangements would be successful.—When I had reason to believe, that every British subject was already gone to the Endymion, I went on board myself, and had the satisfaction to find, that not a single person was missing.—I then assembled the merchants, and made them acquainted with the motives which had induced me to withdraw them thus privately from Constantinople. I told them that, as the conduct of the Porte, particularly since it was known that the Russians had been defeated in Poland, had destroyed all hope of attention being paid to my representations, a rupture with us must probably ensue; and that, in that event, they could have expected nothing less than the loss of all their property and imprisonment. I made them understand, that by the measure I was pursuing, their persons would at any rate be placed in safety. The merchants seemed to be unanimously of opinion that I had acted properly. It had come to their knowledge as well as mine, that there was an intention to seize the frigate, and thus to prevent their departure; and as most of them had been witnesses of the cruel treatment, which in the war with France the merchants of that country had suffered, they could not but congratulate themselves on finding that they were unexpectedly relieved from so distressing a situation.—Every discussion respecting our departure being now ended, I wrote the note to the Reis Effendi, which I intended to leave behind, and gave it to one of my servants who was to remain at Pera, with orders to him not to deliver it before the next morning.—I have herewith the honour of enclosing a copy of that note; and I trust, that the contents of it will appear to your ldp. sufficiently expressive of my earnest wish to avoid hostilities.—At 9 at night, when it was so dark that our departure was not likely to be perceived, capt. Capel ordered his cables to be cut. Without troubling your ldp. with a long account of what happened to us on our passage, it will be sufficient to say, that after having had some reason to apprehend that the Capitan Pacha, who was with the Turkish fleet, might attempt to detain us, we had the satisfaction to find that our salutes were returned; and shortly after, it being early in the morning of the 31st Jan. we anchored in the midst of his maj.'s squadron, which, instead of removing to Tenedos as was intended, had been unexpectedly obliged to remain at the Dardanelles.—I cannot help considering it as most fortunate that sir Thos. Louis was still in sight of the Turkish ships, as I much doubt whether otherwise we should have been allowed to pass without molestation. That the Capitan Pacha might know exactly the real situation of affairs, I sent Mr. Pisani to give him the strongest assurances in my name, that my removal from Constantinople was merely a measure of precaution, and that it would rejoice me if the answer which I was expecting from the Porte should permit me to return.—When Mr. Pisani came back from the Capitan Pacha, who had charged him with an extremely civil message for the adm. and for me, and who I really believe deprecates the idea of a war with England, the whole squadron weighed anchor, and we repaired to our present station off Tenedos. It was right to lose no time in changing our position, for adm. Louis had given his word that this movement should not be delayed, and besides, I was desirous that nothing which could be construed into an hostile intention should appear to be the consequence of my arrival.

No. XI.—Extract of a Dispatch from Mr. Arbuthnot to Lord Howick, dated 14th Feb. 1807.—Received 2d May.

I yesterday received from Mr. Pisani the translation of two Notes addressed to me by the Porte, and I herewith enclose copies of them.—One of these notes is perhaps intended as a kind of answer to the letter which I wrote to the Reis Effendi on the 26th of last month. The other is a circular note sent to the different foreign missions after I had retired from Pera.—It is asserted by the Porte, that I had no sufficient cause for removing from my post; and an attempt is made to explain away the refusal of a passport.—Having in a preceding dispatch most fully explained the motives of my conduct, I shall not trouble your ldp. with the numerous observations which the language of the Porte might enable me to make. I shall only say, that it was my duty to demand a firman for the boat which was to pass the Dardanelles, for it had been expressly declared to me, that in consequence of the war with Russia, every sort of vessel would be stopped, the navigation of which was not sanctioned by a permission from the Porte. If any thing had been wanting to prove the improper intention of the Porte, this part of the subject would have been placed in the clearest point of view by the unworthy quibble of endeavouring to make a distinction between an officer and a messenger. The officer, as the bearer of my dispatches, was to be my messenger, and it is a service on which officers are perpetually employed.

(First Inclosure referred to in No. XI.) —Translation of a Note from the Porte to his maj.'s ambassador, dated 25th Zilkaadé 1221, (5th Feb. 1807).

At an official conference which was held at the Sublime Porte by the request of the English ambassador the most esteemed Mr. Arbuthnot, the 16th of this present month Zilkaadé (25th January) after making some propositions not altogether of a proper nature, he declared in his statements that a fleet of English ships is to be joined by a Russian squadron at the isle of Tenedos; that the same was to force its passage through the Dardanelles to come to Constantinople; that he should send directions for the English dwelling in the capital and in the provinces abroad, to prepare shortly to depart or return to their own country; and that he intended to present a note after the conference, to which he should absolutely expect an answer from the Sublime Porte, in writing.—Three days after a very long and detailed note was received from him, written in a foreign language, and consisting of 13 pages. As a translation was making, in view to consider of the contents, and to give an answer in consequence, he all of a sudden embarked in an English frigate which was here on Thursday after sun-set, and went away without leave or advice in the shape of a fugitive; which being an event whereof there is no example, it could not fail creating much astonishment.—The Sublime Porte, in pursuance of the sincere friendship which she has professed for the court of Great Britain since time immemorial, and ever faithfully bent on the observance of treaties, has uniformly maintained every stipulation, and has bestowed the most perfect attention upon fulfilling the object and obligations of the alliance which had been contracted between us, for a time,—nay, this line of conduct to her best and most favourite friend Great Britain having constantly produced strong remonstrances and complaints on the part of the French court, who was at war with England, the Ottoman Porte, in the sole view of preventing the intervention of the least coolness between us, has never been brought to recede in the smallest degree from the system of regard and friendship she bore to that crown.—Moreover, when about two months since the Russian troops, unawares and without cause, passed the Ottoman frontier, and by employing artifices and tricks inconsistent with the maxims of independent governments, took possession of the imperial Ottoman provinces without previous notice being given (as is known to all the world, and is manifest to all impartial persons, who see things in a right and equitable point of view) the Sublime Porte refrained notwithstanding from waging war all at once, because of that constant disposition which ever makes her prone to avoid parting and being at amity with her friends.—She being therefore in hopes that the British court, far from ever assenting to so improperly hostile a conduct on the part of Russia, would have on the contrary employed its good offices to prevent so glaring an injury and injustice as was offered to its sincerest friend the Ottoman empire, with a true interest, she waited during a space of more than 30 days, and she consented to use her calmness and patience in expectation of obtaining a better insight into the state of things—Such was the position of the Sublime Porte when the Russian troops continued to push on this way, and to encroach on our territory. Their persisting to advance at this rate, afforded a sufficient proof what little likelihood there was of Russia's giving up a project of encroachment she had framed 7 or 8 months before, be the behaviour of the Sublime Porte ever so friendly towards her in the present case; and it being a positive fact by this time, that one moment of further hesitation and delay would have been attended with the most injurious consequences for the state, the Sublime Porte compelled by necessity has ultimately complied with the tenet which prescribes that, "an invader must be repelled by force."—In the contest however thus occurred with Russia, there is nothing that can affect the stipulations and treaties subsisting between the Sublime Porte and Great Britain. There is not in fact the least subject between us to necessitate an interruption of the ties of friendship, or any one thing of a nature to lead to a discussion, much less to a rupture. On the other hand, no answer has as yet been received that we expect, to two official and confidential letters which have been written on a preceding and subsequent occasion, by his imperial maj. to the most august king of Great Britain, upon the Russian business. It is certain that we are not without some flattering hopes of undoubted proofs coming to light of that august king's zealous and ancient friendship to this empire.—Under these circumstances we could not help being greatly surprised at the ambassador's running away, as above stated, by night, without waiting for an answer to the propositions of a groundless unprecedented nature, which he has made in terms of an equally unpalatable tenor; and at its being stated in a paper he left with the Danish charge d'affaires to be presented to the Sublime Porte after his departure, that, because a passport which he had asked for two days before, had not been given immediately, he considered himself as insecure; which was the motive of his going precipitately away from hence.—As to the passport above alluded to, at the time the ambassador's long note was presented, a firman had in fact been demanded for a courier to go to the Dardanelles, but at first the demand being stated with the word, 'Courier,' then with that of 'Officer,' this appeared contradictory. Next to that, there never has been an application made for a firman of the kind for the Dardanelles in former times. Besides, he having announced in the conference that a fleet was forcibly and infallibly to pass through the Dardanelles, it became expedient to use some demur until the translation of his note might be gone through, and a clearer notion conceived of the state of the question; and after all, no decisive answer was given to say that the firman in question should not be granted, but the delivery of it was deferred till the next day. —Such being the case, and nothing of any kind, either of an important or trifling nature having occurred to cause a suspension of security in regard to the ambassador, and respecting his dependants, it is altogether needless to dwell on explaining in what light such open steps must be seen as his alledging such vague pretences destitute of every foundation, and leaving the residence with an air of abandoning the mission, and cutting off all connection with this place.—Notwithstanding all this, the Sublime Porte, ever bent on that pacific system which is her professed habit with her friends, actually considers G. Britain as being at peace with her, and unless hostilities be committed on their part, the Ottoman empire will refrain from shewing enmity to them: and whereas the Sublime Porte has determined to take under her protection the English dependants that have remained in Constantinople, and to treat them with courtesy and attention, which measure appears stated in a circular note which has been sent to the ministers of all friendly powers resident here; that these circumstances may be likewise known to the aforesaid ambassador, a copy of that circular has been subjoined to this present official note, and the same is transmitted to him in consequence. 25th Zilkaadé 1221, (5th Feb. 1807.)

Second Inclosure referred to No 11.—Translation of a circular Note from the Porte, dated 29 of the Moon Zilkaadé 1221, (9th Feb. 1807.)

The Sublime Ottoman Porte having ever been intent on fulfilling every obligation of amity and friendship toward the court of G. Britain, not one thing did exist between them of a nature to bring on a rupture or a coolness.—The English ambassador resident at the Sublime Porte, Mr. Arbuthnot having in a conference held 5 or 6 days ago, made some strange propositions, the Turkish ministers in their answer limited themselves to saying that the Sublime Porte at this present epoch, was at war with Russia and at peace with G. Britain. Soon after the conference, the same ambassador presented a note, in which he stated his claim of having an answer in writing. The same being taken into consideration, some hope was entertained of his drawing back from pretensions of a nature contrary to the rights of nations and independent governments, when immediately, after giving in that note, he all of a sudden, without sending advice and without the cause being known, embarked in an English frigate which was in the harbour at the time, and taking his people and some merchants with him, left Constantinople and absented himself in the middle of the night, by cutting and leaving the ship's anchor behind: a conduct which has created much astonishment.—After going away, he left a letter behind to be tendered to the Sublime Porte, wherein he alledges as a main subject of complaint, that some difficulty was shewn in granting a passport to a courier going to the Dardanelles, which had been asked for by him; and that under that circumstance he could not safely continue to remain here.—In the instance he alludes to, no answer having in fact been given him in the negative, it is clear that an incident of the kind could not be a matter to occasion his departure from Constantinople; and it is equally notorious that no circumstance, no proceeding, either of an important or a trifling nature, has occurred to take away the security either of the ambassador, or of any one individual belonging to the English nation.—Things having come to this pitch, that is to say, the English ambassador leaving the residence in this way, all of a sudden, without receiving an answer, being an event susceptible of many constructions, it would appear incumbent upon the Sublime Porte to act in the same manner on her part, by placing her confidence in the help and mercy of that sovereign conqueror the Almighty God. Yet, being unwilling to depart from that sytem of equity which she is ever accustomed to follow, and she being never persuaded of a proceeding occurring from the court of G. Britain, which is not consistent with the dictates of justice; orders have been sent to the different Ottoman officers to whom it appertaineth, for those English dependants who have been left here, and for the families of such as have gone from their residence, to remain under the shade of his imperial majesty's protection, in perfect security; and the Danish chargé d'affaires our friend Mr. Hubsch, whom the said ambassador has left as his agent, has been charged with the care of the effects and property belonging to the same ambassador here. Directions having also been issued to the same Turkish officers that no molestation be given to such ships as there may be in this harbour, every thing being to continue in its actual state for the present.—And that the Sublime Porte's perseverance in her uniform system of moderation and equity may also be made known in this instance, this present official note is written, and is delivered to the ministers of all friendly powers resident here, in order to their transmitting the same to their respective courts.

No. XII.—Dispatch from Mr. Arbuthnot to Lord Howick, dated Royal George, 14th February 1807.—Received 2d May.

My lord, when I wrote to your ldp. the letter marked private of the 10th instant, from on board the Endymion, I fully expected that on the ensuing morning I should have an interview with his highness the Capitan Pacha, and that it would be ascertained, whether our passage though the Dardanelles was to be amicable or hostile.—The wind however blew so hard on the following morning, that on account of the surf it was impossible to attempt to land me; and as the forts fired upon the Endymion, there was an evident unwillingness to permit the frigate to run into sufficiently smooth water, for me to be put on shore.—Nothing therefore remained to be done, but to write a letter to Mr. Pisani, in which the cause of my not landing should be explained; and in which one more effort should be made to inspire the officers of the Sultan with the pacific disposition by which we ourselves are influenced.—I have the honour of transmitting a copy of this letter to your ldp. which in the course of the day we had the means of sending by a Turkish boat into the Dardanelles, although the increased violence of the wind rendered it more impossible than ever to land me on the open beach.—Yesterday morning, and not before, the weather had become so moderate that I was enabled to pay a visit to the Capitan Pacha, and I accordingly went on shore to meet him.—With his highness personally I had the greatest reason to be satisfied, but he could agree to nothing which would have authorized me to propose to Sir J. T. Duckworth not to force the passage. He wished me to go with him in the Endymion to Constantinople, that I might propose my terms to the ministers of the Porte, and that the British

Fleet should in the mean while remain at anchor off Tenedos.—I told him that I could not return to the admiral with such a proposition, but that I would make an endeavour to stop the progress of the fleet towards Constantinople, provided it should be permitted to remove to the anchorage within the entrance of the passage which had been lately occupied by sir Thomas Louis, and provided a British officer was allowed to remain at each fort for the purpose of ascertaining that no additional works were carried on during the time that the negotiation with the Porte was pending. I added, that should his highness adopt this idea, and should it be approved by the admiral, to whom I had not as yet had an opportunity of mentioning it, I would most readily go up to Constantinople; but that instead of taking the Endymion, I should, for the sake of saving time, prefer a Turkish row-boat.—The Capitan Pacha assured me that he dared not assent to what I had suggested, as he should have to answer with his head for having presumed to disobey the Sultan's orders. He observed likewise, that the rapid march of the French army towards the Dniester would oblige the Porte to be still more cautious in her negotiations, as should the alliance with Russia be at this moment renewed through the mediation of Great Britain, Buonaparte might have a pretence for considering the sultan as his enemy, and that then he would not fail to invade the Turkish empire.—To this I replied, that the misfortunes which, according to his highness's statement, had happened to Russia, would be an additional motive with us, as we were sure it would be with our sovereign, to give assistance to our ally, when it appeared to be most needed: that on account of the present situation of affairs, I might perhaps be induced to recede in some instances from what the interests of my own sovereign might have authorized me to demand; but that every effort must be made on our part to relieve the emperor of Russia from the war which the Turks were carrying on against him, and that I would willingly, to effect this object, go myself in company with a Turkish negotiator to general Michelson's head quarters, and there employ my good offices to restore peace.—The Capitan Pacha seemed to listen with pleasure to all I said.—He regretted only that he did not venture to transgress his orders; and appearing to hope that sir J. T. Duckworth could be prevailed upon not to remove from his present station, he earnestly desired me to use my influence for the attainment of this object.—On my return to the fleet I made the admiral acquainted with all the particulars of my conversation with the Capitan Pacha.—I cannot say what might have been the decision of the admiral if the Capitan Pacha had readily consented to all that I had proposed; but when he learnt that nothing whatever was to be obtained as a compensation for loss of time, he gave it without hesitation as his decided opinion, that we must pass the Dardanelles before we again attempted to negotiate.—I immediately wrote to inform Mr. Pisani (who was remaining with the Capitan Pacha) of our final determination; and the letter to him, of which I inclose a copy, shall be sent on shore the very moment that the boat arrives which is to come for my answer.—The die therefore is now cast. Every effort has been made by us to avert hostilities; and should the Turks commence them against us, every effort shall still be made to prove to the Porte, that the wish of our sovereign is peace. With this view I have directed Mr Pisani to inform the Capitan Pacha, that on our arrival before Constantinople, I shall once more offer to negotiate, and that no hostile measures shall be undertaken by us, while a hope remains that our pacific intentions will be justly appreciated.—Should we ultimately fail in our endeavours to preserve peace between his majesty and the Porte, every exertion will, I am certain, be made by sir J. T. Duckworth to succeed in those measures which he has been directed to undertake. But it is to be recollected, that ever since the commencement of the war with Russia, this government has been encreasing, and to a great extent, its means of defence, and should the Turkish navy have been removed into the Bosphorus, there would, I imagine, be an absolute impossibility of withdrawing it from under the new and strong batteries, which, under the inspection of general Sebastiani, have been now erected.—I mention this, because it is not unlikely that there may be a failure in some of the objects which we have in view. This apprehension, however, would have no effect on the decision of the admiral, or, if I may so say, on that of myself. Our sovereign and his ally had been greatly injured. A powerful Fleet has been sent to secure those interests which had been endangered; and though the passage of the Dardanelles in its present fortified state cannot be undertaken without great risk, any probable loss would in my opinion be preferable to that dishonour which would be attached to his maj.'s arms if a menace had been made, which in the day of trial we had not dared to act upon.

First inclosure referred to in No. XII.—
Endymion, off the entrance of the Dardanelles, 11th Feb. 6. A. M. 1807.

Sir; I am come in the Endymion according to appointment, but now I am here, captain Capel will not attempt to land me. He says, that he has no boat which in such weather as this could put me on shore.—It therefore only remains for me to repeat again for the Capitan Pacha's information, that our wish is to go up as friends; that we shall not fire the first shot; but that should hostilities be commenced against us, our demands will be greatly increased.—We now require no more than that the Porte should place herself in that situation with regard to her foreign relations in which I found her on my arrival in this country. She was then the friend of Great Britain and Russia. She is now the friend of France. She is called upon to make her choice; and our conduct towards her will be regulated by that choice.—If I were to see the Capitan Pacha I could say no more to him than what I have written before, and what I am now writing.—Admiral sir J. T. Duckworth dares not to disobey the orders which force it upon him as an indispensable duty to appear with his fleet off Constantinople, and the first fair wind will convey him thither. The Capitan Pacha must know better than we can, whether he can venture to save his country by not carrying into effect such orders as may have directed him to fire upon our fleet; for of course it will be obvious to his highness that, without meaning to speak arrogantly or presumptuously, we should not, as I have remarked before, be so easy to treat with after the commencement of hostilities as we are now.—My personal wish for peace is so great that I have no scruple in assuring the Capitan Pacha that if we are not treated now as enemies, I shall be found in future, having such a force to give weight to my representations, far less positive and far less peremptory than I thought it my duty to be, when, being left to my own individual exertions, I had to convince the Porte that my court was really in earnest.—It cannot be offensive to the Capitan Pacha to be told that with such means in our hands, we think ourselves, under the blessing of Providence, certain of success; and having this sentiment, I feel it no pusillanimity on my part to implore his highness not to plunge his sovereign and his country into irrecoverable woes. This is to be considered as my final declaration that the admiral is determined to avail himself of the first favourable wind; and you therefore have nothing further to do than to go as expeditiously as you can to Constantinople, and there to join me. Signed C. ARBUTHNOT.

Second inclosure referred to in No. XII.
Copy of a letter from Mr. Arbuthnot to B. Pisani, esq. dated Royal George off the Dardanelles, 13th Feb. 1807.

Sir; I did not fail to relate to vice admiral sir John Duckworth all the particulars of the conference which I had to-day with his highness the Capitan Pacha.—The vice admiral learnt from what I said, that his highness could not even adopt the idea which I had thrown out, of the fleet remaining at the anchorage occupied, within the passage, by the squadron under sir Thomas Louis. It therefore was evident that nothing was to be granted to us, while by my going up alone without the fleet, that greatest of all disadvantages, the loss of time which could never be regained, would be suffered by us. Under these circumstances the admiral feels that he has no option left to him, but that it is become his bounden duty to obey literally his sovereign's orders, and to proceed up the Dardanelles whenever the wind may permit it.—But the admiral to the very last will be amicably inclined. After he has forced the passage of the Dardanelles, he will again give to the Ottoman government an opportunity of terminating by a friendly negociation the differences which have arisen. For this purpose he will in the first instance anchor his fleet at such a distance from the town of Constantinople, as will remove every apprehension of his being hostilely inclined; and he will not proceed to extremities, even when the means of doing it shall be within his hands, until he has learnt from me that the negociation I shall propose has been fruitless.—I wish much that the Capitan Pacha had been invested with discretionary powers to treat with me. His highness says he has none such. He therefore must obey the orders of his sovereign, and we must be equally obedient to the orders of ours. I am, &c. CHA. ARBUTHNOT.

[Papers relating to Portugal.] Mr. *Abercromby* said, that the information obtained relative to the Expedition to Copenhagen, was just enough to excite suspicion, but was not sufficient to give any satisfactory explanation of the conduct of ministers. He hoped this temper of reserve would not be shewn in respect to the Papers he should apply for in a transaction that was said to bear so near an analogy to that proceeding: he meant the Papers connected with the negociation with Portugal. He did not think it was necessary to make any comment upon the propriety of acquiring this intelligence, until objections should be made, which he was not disposed to anticipate. He should, therefore, propose his first motion, which would be followed by several others. It was, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this house, copies of the Instructions to earl St. Vincent for the direction of his conduct at Lisbon, in 1806; and also copies of the Instructions given on the same occasion to the earl of Rosslyn and to general Simcoe."

Mr. Secretary *Canning* said, that not having had any communication with the hon. gent. on the subject of his motion, and not having collected from his speech what would be the extent of it, he wished to know what additional documents he meant to require, before he acceded to the proposition.

Mr. *Abercromby*, replied, that his other motions would apply to the communications from the three persons he had named to the prince regent, and the replies to them; and further, the particulars of the interview with the prince regent prior to their departure from the Tagus.

Mr. Secretary *Canning* objected, that a motion so general did not admit the exclusion of matter, however delicate in its nature, and however dangerous to impart. Applications of this kind, to provide the house with the particulars of a private interview with a sovereign prince, had never been attempted before, and if acceded to must have the most pernicious consequences. It was well known, that while the British ministers were waiting in the anti-room with the servants of Imperial princes, the French accredited agents had passed our envoys, and had bearded sovereigns within the recesses of their own cabinets. This preference had occasioned some complaints, and the result had been that, on various occasions, the British agent had been admitted to the like privilege. But this footing of equality must be destroyed, if it were permitted that the private communications with an independent sovereign should be laid on the table of the house, subsequently become the matter of debate, and again be indecently circulated through the kingdom in the public newspapers. He was happy on this occasion to make a stand, and openly to resist such propositions. There was no country in Europe where direct intercourse between the foreign ministers and the monarch was so strictly guarded as in our own: none here were suffered to approach the throne, unless the servants of the crown were present; and in proportion to the difficulty of immediate access with us, were the obstacles presented to the same access of our ministers abroad.

Mr. *Adam* opposed the principle laid down by the right hon. secretary, and expressed his surprise at hearing such doctrine first broached by the person, who, on a former night, read in that house extracts of documents which belonged to the crown, and so far insulted the constitution as to withhold the document, which he had partially quoted, from parliament. He should shortly bring forward a motion on this subject, in order that the house might be convinced how it stood in this respect, and where the boundaries of the crown were limited.

Mr. *Canning* suggested an amendment, by which the Instructions to lord Rosslyn, &c. and an account of their Expedition, would be given, so that the substance only of what passed at the court of Lisbon would be obtained.—The amendment was then agreed to.

Upon Mr. Abercromby's third motion being put, for obtaining copies of the Order of Recall of earl St. Vincent, &c. and of the dispatches containing an account of what passed at their audience of leave, Mr. Canning made an objection to the latter part of the motion, also upon grounds of delicate attention to etiquette, and the mischief that might arise from publishing official communications of that nature.

Mr. *Sheridan* observed, that if an ambassador from England held conferences with no other person but the sovereign at whose court he resided, we could have no other source of information concerning his conduct, but the conferences with such sovereign; and was it to be said that these conferences should never be disclosed?

At the time when we made the late peace with France, we acknowledged the first consul as sovereign of that country. When this peace was put an end to, by the renewal of hostilities, were not the private conferences that passed between that sovereign and lord Whitworth, published in this country, as the justification of the war? Now, he contended, that no representation or misrepresentation of the words used by a foreign sovereign, could ever be so mischievous as the practice of reading partial and garbled extracts of letters and other documents, and refusing to produce the whole of them when called for.

Mr. *Ponsonby* could not bear to hear in silence such language as had been used by the right hon. secretary. In the best times of English history, the conduct of persons in the highest stations, whether minister or prince, were openly, fairly, and boldly discussed in parliament; it was only at the most disgraceful periods that we find great men have shrunk from publicity, and parliament too easily led by confidence in a great name, or a high-sounding title. If members of parliament were to understand that the power of France had this effect, they had better say to their constituents, that the power of Buonaparte was so great, that it not only subverted or raised up kingdoms at will upon the continent, but that it succeeded in robbing them of their free constitution.

Mr. *Windham* said, the house and the country might now be congratulated on having in the person of the right hon. secretary, a new defender of those rules of propriety, which he himself had so lately broken. Sometimes a smuggler made a very good custom-house officer. This was analagous to the right hon. gent. who spoke with such animation against the practice of disclosing confidential communications.—The house then divided—For the motion 82. Against it 142. Majority 60.

The following are copies of the papers laid before the house in consequence of the above motions: viz.

PAPERS

RELATIVE TO PORTUGAL, PRESENTED BY HIS MAJESTY'S COMMAND TO THE HOUSE OF COMMONS, PURSUANT TO THEIR ADDRESS OF THE 15TH FEB. 1808.

No. I.—Dispatch from Mr. Secretary Fox to the earls of Rosslyn and St. Vincent, and lieut. gen. Simcoe, dated Downing Street, 9th Aug. 1806.

My lords, and sir; Intelligence has been received by his maj.'s ministers of an intention on the part of France immediately to invade the kingdom of Portugal, and the French government has, by its own Declarations, left little or no room to doubt the truth of that intelligence.—It has even been formally announced by that government to his maj.'s ambassador at Paris, that an army, said to be composed of 30,000 men, is actually assembled at Bayonne for this purpose, and that the object of this invasion is nothing less than that of dethroning the present royal family, and destroying the very existence of the Portuguese monarchy; the provinces of which are to be partitioned out, one part to Spain, and the other part, with the town and port of Lisbon, to be given as a separate dominion to the prince of peace, or to the queen of Etruria.—In that case his maj. has thought it right to direct that the force now embarked, consisting of the numbers stated in the margin, should be sent forthwith to the river Tagus, there to be met by a competent naval force which has been in like manner directed to repair to that station. And his maj. has thought fit to give directions that the land force appropriated to this service, should receive successive augmentations as fast as the means of transport can be provided.—In addition to the command of the naval and military forces which he has intrusted respectively to the earl St. Vincent and to lieut. gen. Simcoe, his maj. has been pleased to direct that full powers should be granted to them, conjointly with the earl of Rosslyn, to negociate with the court of Lisbon on all matters that may concern the joint interests of the two courts in the present conjuncture of affairs. I am therefore, in this dispatch, to explain the principles on which such negotiation is to be conducted.—The object most desirable, if it should be possible to be obtained, would be, to arrange sufficient and effectual measures, by concert between the two courts, for the complete defence of Portugal against the threatened invasion of Portugal; an object which it ought not to be difficult for Portugal to provide for, if the invading force should not exceed the numbers stated by the French government.—This is therefore the first point which is to be proposed to the court of Lisbon; and if that court, either singly by its own resources, or by such co-operation as it may be able to obtain from Spain, where it is probable the plans of France will create much more alarm than pleasure, should be willing seriously to engage in vigorous and effective measures of defence; the king will approve your expressing his maj.'s disposition to support them to the full extent of such means as his maj. may be able to apply to this object.—You will however understand distinctly, that this instruction applies only to the case not merely of assurances, but, as I have already expressed it, of vigorous and effective measures, bonâ fide adopted by the Portuguese government for its own defence; a resolution which seems to be so strongly called for by the urgency of the present crisis, that one might look with some confidence to its adoption, if former experience did not give too much reason to doubt of it even under such circumstances.—Should it be found that either the means or energies of the court of Portugal are inadequate for such a purpose, the next endeavour must be to inspire that government with a resolution which they are understood formerly to have entertained, and which in the case supposed, is the only one that could be adopted either with dignity or prudence; namely, that of withdrawing at once from their European territories, and removing themselves, with all that they can carry with them, to their possessions beyond the Atlantic.—Should such be the disposition of the court, every encouragement must be given to confirm them in that intention, and the strongest engagements may be entered into, that in such case his maj. will not only by his naval forces protect and secure such retreat, but that he will respect and even guaranty to the court of Portugal the independance of its dominions in the Brazils, as well as the possession of all ships and other property that may be carried there by virtue of any such arrangement.—A case however must be provided for, different from either of the two preceding, and unhappily not the least probable, in which the government of Portugal, abandoning all idea either of resistance or escape, should wait in fearful acquiescence the approach of the danger, leaving the country with all that it contains to fall an easy and certain prey into the hands of the enemy.—In that case his maj. would feel himself impelled, as well by every consideration of duty to himself, as of regard even for his ally, to take such steps as might be necessary to diminish the evil, by preventing the enemy from acquiring that accession of force, particularly of naval force, which the possession of the port of Lisbon, in such circumstances, would give him, and which may have had a principal share in prompting him to the present intended outrage.—You must, therefore, from the beginning, so regulate all your conduct as to keep in view this ultimate object, the only one possibly which may at last be left to you to accomplish.—This, of course, should it ultimately become necessary, must be done not by negotiation, but by demonstrations, and possibly by actual measures of force.—But even in this case, it is very material, that you should endeavour to the utmost to impress both on the government and on the people of Portugal, that the steps resorted to, are taken with no feelings or object of hostility towards them, but are the result only of that unhappy necessity which the injustice and violence of the enemy, and the weakness of Portugal, impose upon his maj.—Conformably to these impressions, if at any period before the ships and troops of his maj. are withdrawn from the coast, and even after measures of force shall have been mutually resorted to, the court of Portugal shall be disposed on better consideration and further evidence of the danger, to accept the proposal of removing to their possessions on the other continent, you will offer them every assistance for that purpose, and make all such engagements as may best soften and conciliate their minds to so painful an extremity.—In all your proceedings you will avoid carefully any thing that may give to the enemy any handle for misrepresenting the just and upright intentions of his maj. on this occasion.—Nothing would be more acceptable to his maj. than that the court of Lisbon should continue, if it were possible, in the enjoyment of a secure and undisturbed neutrality. It is matter of great regret to his maj. to look in any possible case to the necessity of employing force against the territory of a friendly power; and it is of great importance that his maj.'s conduct on this occasion should be represented in its true light, both to the court and to the people of Portugal. It will therefore be proper, not only to deliver in official notes to this effect, but to print and circulate in the Portuguese language a manifesto, in which those circumstances should be openly and frankly explained, which justify by the evident necessity of the case, the securing beforehand those military resources which the enemy has openly evinced, and formally declared, his intention of seizing for his own purposes.—His maj. has no desire to derive from this measure any other advantage than that of depriving his enemy of means of annoyance, which are intended to be used both against the interests of his country, and for the purpose of attack against the colonies of Portugal herself. In order to avert these evils, his maj. authorizes you, to agree to any plan by which the Portuguese ships of war, if placed in his custody by that government without resorting to measures of force, shall be either retained in trust for Portugal, or shall be purchased from that government by his maj. according to their full estimated value. He cannot forego those measures, which are necessary to prevent the Portuguese navy from becoming an accession to that of France; but he is desirous of executing this purpose in such way as may be least offensive to the dignity or injurious to the interests of an ally, in whom his first wish would be to find the disposition and the means of opposing an effectual resistance against the common enemy.—The general objects which are in view, being thus explained to you, the particular course in which they are to be pursued, whether in measures of negotiation or of force, or by a mixture of both, is left with full confidence to the discretion of the persons in whom his maj. has vested such ample powers, and by whose entire and perfect co-operation in every step of whatever description that shall become necessary, the objects in view can alone be accomplished.—The precise period of the demand to be made for the debarkation of the troops, and for the placing them in a situation of security, is perhaps the most important among these points; and next to that, the mode and time of the requisition, that the Portuguese ships in the Tagus should be placed in such a state, as to be capable of being immediately removed on the approach of an enemy.—It will not escape your attention, that these are measures which must equally be adopted, in each of the three cases above stated. If Portugal intends, with the aid of this country, to defend herself; if the court should meditate a removal to the Brazils; or lastly, if a necessity should exist for measures of force, with a view to the removal of the ships: in every one of these cases, the king's troops must be landed, and a position must be occupied, that will both place them in safety, as far as possible, and will facilitate the execution of such measures as it may be necessary for the king's naval forces to adopt for the removal of the ships.—As this step therefore must at all events be taken, it would seem desirable that as little time as is practicable should be allowed for the preparation of measures of resistance against this indispensable step.—In the state of indecision in which it is not improbable the Portuguese government may now be placed, you must naturally expect, that the existence, or at least the urgency of the danger will be denied to you; and it is indeed not absolutely impossible, that circumstances may in fact occur to delay the march of the French army, now fixed, as we are told by France, for the 15th of this month. Of this you will of course have the means of procuring without difficulty, authentic intelligence from Bayonne; but you will remark, that the measures now adopted are founded on no light surmises, but on the declaration of the French government itself; that it is the habit of that government thus previously to announce its acts of violence; that other measures of a like nature were in like manner announced, and have actually been since carried into execution; and that therefore any temporary forbearance that may occur in the execution of this particular design affords no motive for delaying measures of necessary precaution against it.—If it should be urged, that the admission of the king's forces will be considered by the enemy as a violation of the neutrality of Portugal, and will therefore afford either a motive or at least a pretext for the invasion of that country, you will remark that the neutrality of that country is at an end from the moment that a design of invading its territory and subverting its government is openly announced by one of the belligerent parties; and that neither justice nor prudence require, that we should wait for the actual execution of such a menace, before we take measures for averting or lessening the evil. And experience has but too plainly shewn, and in too many instances, with what facility the French government finds or makes pretences for such measures, when once announced.—If on your arrival at Lisbon you should find that, either from alarms excited by any accidental circumstances, or in consequence of requisitions and demands made by the French, the country should have been put in such a state of preparation and defence, as to make the execution of any enterprise of force more difficult than it is hoped it would be found; and particularly if you should judge from these or any other circumstances, that the safety of the army entrusted to your command would be compromised by a debarkation, or by the measures to be afterwards pursued; the king relies on your discretion not to adopt any step which might lead to the probable loss of the forces.—In that case the whole negotiation would of course assume merely a pacific shape.—It would be stated, that the troops are sent to co-operate in the defence of Portugal, if desired by that government; but that such desire not being there entertained, they would proceed to their former destination.—In that case, however, as indeed in every case of discussion with that government, it must always be impressed upon them, that the certain consequence of submission to France must be, the loss of the Brazils; which, in such event, this country must occupy for its own safety.

I am, &c. C. J. Fox.

No. II.—Extract of a Dispatch from Mr. Secretary Windham to the earl of Rosslyn and lieut. gen. Simcoe, dated Downing Street, 12th of Aug. 1806.

As the wind still prevents the convoy from getting round from the Downs, I think it proper to apprise you, in addition to your former instructions, that it is thought adviseable that you should lose no time in proceeding to Lisbon in the frigate destined for that service.—On your arrival there, it is presumed, you will find the earl St. Vincent already there; you will of course, in the first instance, communicate with his lordship on the subject of the instructions which are jointly addressed to his lordship and you, and also on this dispatch.—As your arrival will in all probability precede that of the troops, it is thought proper that lord Rosslyn should, after communicating as above with lord St. Vincent, proceed to Lisbon, and there enter upon his mission; gen. Simcoe remaining with the fleet to wait the arrival of the troops.—Lord Rosslyn will begin his negotiation by stating the certainty and urgency of the danger as mentioned in your former instructions. He will remark, that while there was a hope that Portugal even by considerable pecuniary sacrifices would preserve her neutrality, the king felt too strong an interest in the safety of his ally to endanger it by any precipitate or premature measures on his part. But that the moment is now come when a decision must be taken. The enemy has announced his immediate intention of subjecting Portugal to the greatest evils to which an independent state can be exposed—the subjugation of the country, the overthrow of the government by a foreign force, the expulsion of the family of its lawful sovereigns, and the partition of its provinces. There is no reason to doubt the reality of this intention, which is indeed talked of at Paris without any secret; and the existence of the preparations for giving effect to it has been confirmed by additional intelligence received since you left London.—In this state of things, the king can no longer forbear to urge the court of Lisbon to act as the urgency of such a danger manifestly requires. A force is collected for the purpose of their destruction, and the intention of so employing it is openly avowed. In such a situation, to wait till the hostile army is put in motion, or till some decree of the French government publishes to the world the partition of Portugal, would be to expose the royal family, the government, and the country to the certainty of that ruin with which they are openly menaced. The only question can now be, whether to defend or to abandon the country?—Even if the latter resolution were adopted, that would require to be acted upon with vigour and decision in order to preserve to the house of Braganza at least its American possessions. If the former, the first step to be taken towards it must be that of apprising the country of the nature, extent, and urgency of its danger, in order to animate the whole community in common exertions of defence. This must be accompanied by effective and vigorous measures for putting the army in a state of activity and for defending the frontiers. Under such a system, and with the aid in money, troops, and ships, which his maj. would be entirely disposed to contribute to it, if really adopted and steadily pursued, there could be little doubt that the attack of a much more powerful army than that now said to be assembling at Bayonne might be successfully resisted. And in the present state of Europe, great as the means are which France possesses, it may be doubtful whether she would be disposed to apply a larger force to the pursuit of such an object.—If therefore, it still be possible to prevent the enemy from embarking in the enterprize, the course now recommended can alone effect that purpose. If the contest be unavoidable, no other means than these can afford any hope of a successful issue. This reasoning lord Rosslyn will press in the most urgent manner.—The great obstacle for lord Rosslyn to combat will be the desire of procrastination so natural to a weak power, and the delusive hope that by perseverance in the temporizing system the evils which they fear may yet be averted. This must be met by strong representations of the imminency of the danger, and of the mischief of delay.—It is probable that when pressed upon this subject, M. d'Araujo will enquire what specific assistance his maj. will be disposed to grant to Portugal, if it should by such measures as are now recommended draw upon itself the resentment of France. To this, it must always be answered, that the attack from France will not be the consequence of such measures, but only the execution of a determination taken and announced antecedently to them. But there is no difficulty in its being explicitly said, that provided his majesty were satisfied that Portugal was taking vigorous and effective measures for her own defence, there is no exertion in the power of this country that his majesty would not be ready to make for that purpose, in pecuniary assistance as well as in military and naval succours.—In addition to these general assurances, it would be proper that lord Rosslyn should state specifically that an expedition of near 10,000 men is now ready in our ports; and that although these have been collected with a view to a different destination, yet that, on any intimation of such a wish from the Portuguese government, orders would be given to these troops, and to others which might successively follow them, to sail immediately to Portugal. But lord Rosslyn will not let it be understood that such is actually their destination.—If the Portuguese government should be induced by these representations to adopt a system of active preparation and vigorous defence, laying aside all hopes of saving themselves by any other course, they will of course cheerfully accept the proffered aid; and the arrival of the troops which will still, in all events, follow you as soon as the wind permits, will be matter of great satisfaction to them.—If they decline this assistance, from the fear of irrevocably committing themselves with France, lord Rosslyn is not, till the actual arrival of the troops, to give any intimation that he expects them; nor to employ any other language than such as is already pointed out in this dispatch.—When the troops actually arrive, he will lose no time in representing that event as the effect of the continued information received here, as to the urgency of the danger, and as the strongest proof of the king's solicitude to avert it.—He will represent that the disembarkation of these troops, when sent on such grounds, cannot be refused by the court of Lisbon, except on the ground of a resolution to abandon all measures of defence; in which case alone his majesty will be driven to consider what is due to the interests of his own crown, separately from those of his ally.—He will give the strongest and the most formal assurances that the continuance of the troops shall be limited to the extent of the danger; and on this ground he will demand their admission.—The time to be limited for a compliance with that demand must be arranged with the earl of St. Vincent and lieut. gen. Simcoe. But it will be proper that the actual knowledge of a refusal to admit the troops, as friends, should precede, by however short an interval, any attempt to disembark in any other manner.—If such refusal should take place, the Instructions already given to you with the earl of St. Vincent will then apply in all their points, as indeed they do in a great degree to the course here pointed out.

No. III.—Dispatch from Mr. Secretary Windham to earls Rosslyn and Saint Vincent, and lieut. gen. Simcoe, dated Downing Street, 28th August 1806.

My lords, and sir; Since the earl of Rosslyn and lieut. gen. Simcoe sailed from Plymouth, his majesty's servants have received information which induces them to believe that the preparations for the attack of Portugal are in a less forward state than had before been supposed, though there appears no reason to entertain more doubt than before as to the final intention of the French government to carry into effect the plans for the conquest and partition of Portugal, which they have already announced.—In this state of things the whole expedition being now collected at Plymouth, and ready to sail with the first fair wind, it has been judged expedient to detain them until intelligence shall have been received from you of your proceedings, and of the state of affairs at Lisbon.—It is thought here, that there is now more prospect than before of accomplishing the objects in view, without the necessity of resorting to measures of force, which, if practicable, is highly desirable. —The troops will however be kept in constant readiness to sail on the very first order, which will be given either on receiving such information from you as shall appear to require it, or on intelligence being received here in any other manner, of the French forces being in a greater state of readiness, or of the danger of the attack from Spain becoming imminent. I am, &c. W. Windham.

No. IV.—Extract of a Dispatch from the earl of Rosslyn to Mr. Secretary Fox, dated Lisbon, Aug. 30th, 1806.

I have the honour to inform you, that his maj.'s ship Santa Margarita, anchored in the Tagus late on Monday evening the 25th.—Early on the 26th lord St. Vincent came on board, and his lordship, lieut. gen. Simcoe, and I, had a full conference upon the present state of affairs in this country.—Lord Strangford upon hearing of our arrival had made application for pratique for us, without delay.—In the afternoon I landed, and had a long conference with M. d'Araujo.—In this I took occasion to enter upon that point of our Instructions, which relates to the dangers of the country, and the proposal to assist in defending it. To this first head I chiefly confined myself. I stated the intelligence respecting the plans of the French government, and the persuasion of his maj.'s ministers, of the extreme urgency of the danger arising from thence, according to the tenor of the Instructions.—To this statement M. d'Araujo replied, that there was no actual assembly of troops at Bayonne, no camp formed, and no preparations made. That he had sent several couriers to pass through it, for the purpose of ascertaining the fact. That all his intelligence from Paris and Madrid concurred in that account, and that the forces collected there, consisted only of an Italian brigade of seventeen hundred men. That M. de Lima had given them no reason to apprehend danger, and made no communication from Paris of a declared intention to attack the country, nor of any reports to that effect.—He was persuaded that no measures had been taken for that purpose; and strongly stated the distinction between a formal declaration of the government or a conversation of Buonaparte himself, and the language held by M. Talleyrand; which he was disposed to consider as a mere device or threat to induce lord Yarmouth and his majesty's ministers, to consent to the terms of peace proposed.—M. d'Araujo further stated, that the Spanish minister had expressed such surprize and jealousy upon the arrival of lord St. Vincent with the squadron, that he had thought it advisable to say that his Britannick majesty having received information of the measures taken by Spain for placing a part of the troops on the war establishment, and especially those which were upon the frontiers of Portugal, had with a just and natural alarm for the safety of his ally, ordered into the Tagus such forces as were most at hand and most disposable. —Upon this I told M. d'Araujo that he was at liberty also to communicate the intelligence given by me relative to the apprehensions that England entertained of France in consequence of M. Talleyrand's declaration. This, however, he declined for the present; adding that he could not attribute the arrival of lord St. Vincent to preparations which he did not believe to exist, nor to declartions of which he had received no account, and which had not been made and were not known to the Portuguese minister at Paris.—He shewed the greatest apprehensions that the sensations produced by lord St. Vincent's arrival would have the worst effects upon the interests and safety of Portugal, not so much from the number of ships as from the consequence attached to his lordship's exalted character, and the importance of the mission with which he was understood to be charged; and he strongly expressed his fears that this would provoke an attack not otherwise intended.—After stating in the terms of my Instructions the immediate succours which were embarked and ready to sail for the defence of Portugal, and which for that purpose his maj. had diverted from other objects of the first importance, I explained the unexampled generosity with which his maj. had determined to increase this force by further supplies, and to furnish every assistance that the case might require, or his resources afford, as well in ships and money as in troops.—The nature and extent of these offers appeared to have a very considerable effect, and were received with civil expressions of gratitude.—I suggested to M. D'Araujo that they must decide promptly upon the offers of succour, for that the troops being already embarked, must, if not employed for the protection of Portugal, be sent forward to their destination, and that if the offer were now rejected, his maj.'s government could not hereafter command the same means, whatever might be its disposition.—M. D'Araujo observed, that if the forces of England were distracted, and engaged in distant expeditions, Portugal would be exposed to the utmost danger, and left totally defenceless. He frequently repeated how desirable it would have been, that the arrival of a minister should have preceded the fleet, that full communications should have been previously made of the intentions of his maj.'s government and a due consideration bestowed upon the means which could be applied for the defence of the country; and seemed to be thoroughly persuaded that the arrival of a British force in the Tagus at this moment, connected with the circumstances of the present mission, would draw upon Portugal the resentment of France, and be considered as a violation of the treaty of neutrality.—I urged strongly the arguments suggested by my instructions upon that subject, and I did not omit to remark to him, that his maj. had suffered the court of Lisbon to pay subsidies to France, as long as a hope remained of its being able to preserve its neutrality. M. d'Araujo said, he found the treaty of neutrality in existence when he came into office, and believed it to be the only means of preserving Portugal, and repeated his arguments against the sufficiency of the evidence on which his maj.'s government founded their belief of the designs hostile to Portugal.

No. V.—Extract of a Dispatch from the earl of Rosslyn to Mr. Secretary Fox, dated Lisbon, Sept. 2, 1806.

I am sorry to say that I cannot see the least grounds to expect vigorous efforts from this nation in its own defence; and it is evident that no force G. Britain can possibly furnish, would of itself be adequate to arrest the progress of a French invasion.—In short it is my duty to state, that I entirely despair of the possibility of defending Portugal against a French invasion by any means to be found here, or that G. Britain can even with great sacrifices supply.—With respect to the immediate objects of my mission, I must observe to you, that no apprehensions of danger from France existed in this country; and that all the intelligence I have been able to acquire here, contradicts the supposition of preparations at Bayonne.—It appears to me quite incredible that an army could be suddenly assembled at Bayonne, to half the extent stated from the beginning of August, without its being known to all the merchants; and when we consider the consequences with which the invasion and partition of Portugal would be pregnant, it must be evident that no efforts of the government could suppress the intelligence, or prevent the universal public alarm which the avowal of such a resolution, coupled with the preparations necessary to carry it into execution, must have produced throughout the kingdom, and especially in the towns of Lisbon and Oporto.—I must add, that I cannot imagine any interest which the court of Lisbon could have in shutting its eyes to such movements, had they been made; and it has shewn a sufficient sensibility to danger to assure us, that it could not conceal its fears if they had been really excited. I am therefore inclined to doubt this armament as stated.—I am confident that the arrival of the convoy with the troops will excite the utmost terror and despair in this government and city; but I do not think the Prince Regent will altogether refuse the permission to land when demanded. It is however unquestionable that he will protest most strongly against it, not only as derogatory to his independence, but as an infraction of his neutrality, likely to bring down upon the country the resentment of France, and to engage him in an unnecessary war. The most moderate tone that can be taken by the court here, will be to declare Great Britain responsible for all the consequences of the proceeding, and bound to undertake the defence and provide for the security of Portugal, should it be attacked. Although the permission to land and encamp may be granted, the possession of the forts will almost certainly be refused; and it is not easy to give any reason for insisting upon having them. The landing may be required because the troops are crowded in their transports and the anchorage without the bar unsafe at this season, and the Prince may content himself with not opposing it.—But if the government cannot be induced to consent to let the troops occupy the fort of St. Julian by the arguments drawn from the precedents in 1797, (which however in strictness do not apply, for the forts were then empty, and the Portuguese regiments upon the frontiers), and from representing how desirable it is that the British troops should be kept as much as possible out of the city of Lisbon; it will be a very strong step to require that the Portuguese troops should be removed, and that the absolute command of the port and city should be given up to us. No pretext of common danger can be alleged, and no apprehension for the security of any separate interest of the British can be pretended.—If the court of Lisbon take the line of expressing its gratitude for the promptness with which the succours have been sent upon the supposition of danger, and of entreating his majesty to withdraw his forces, when it appears that such danger does not exist; or should it prepare itself for war as rendered inevitable by this expedition; it will be equally contrary to the professions which we have been instructed to make, and appear a most extraordinary preliminary to the defence of an ally to proceed to a reduction of their fortresses by force without any provocation on their part, or any motive of self-defence on ours real or pretended.—Our Instructions proceed upon a supposition that the French were in force at Bayonne, and the immediate invasion of Portugal indubitable; and those measures which would have been strictly justifiable in case this government should have abandoned all idea of resistance or escape from the danger, would, in the circumstances I have stated, assume an opposite character, and be made to appear to the rest of Europe as an act of unjustifiable violence and aggression. This case has not been foreseen, and could not have been distinctly provided for. But the 11th and 12th paragraphs of the first instructions strongly indicate the sentiments of his majesty's ministers as applicable to this question, and appear to me to preclude all measures of force which are not prescribed by the evident necessity of the case, and justified by the danger of the ships and military resources of the country falling an easy and certain prey into the hands of the enemy.—Governing ourselves by the general tenor of our orders, and the spirit of moderation and conciliation which pervades the whole of them, we must endeavour to make the best of this difficult situation; nor ought we to depart in any degree from those principles while this court manifests a most friendly disposition, except upon the near approach of an enemy. Then the reason suggested for seizing the forts and ships may with propriety and truth be alleged, and those measures so necessary for the security of Great Britain be carried into execution.

No. VI.—Extract of a Dispatch from Mr. Secretary Windham to the earl of Rosslyn, dated Sept. 13, 1806.

Your lordship's dispatches have been duly received. A very careful attention has been given by his majesty's ministers to the interesting picture which your ldp. has drawn of the present situation of Portugal, and of the actual disposition of the court of Lisbon. To these two points your ldp. very properly directed your early attention, in order to ascertain to what extent the menaces of the French government, as avowed by M. Talleyrand, were actually ready to be carried into effect, and how far the pressure of that danger was imminent enough to call forth into action the utmost exertions which Great Britain could supply, as well for the protection of her antient ally, as for the security of her own maritime power and interests. Upon this great and essential enquiry did necessarily depend the prosecution of those ulterior operations which his majesty had entrusted to the direction of the distinguished officers who were for that purpose joined with your ldp. in commission to the court of Lisbon.—The peculiar and critical circumstances of the position of Portugal, and information received soon after the time of your ldp.'s sailing from England, seemed however to be such as to admit of deferring for a short time, the actual appearance of the British land forces at Lisbon. His majesty had therefore already been advised to direct the troops to remain in readiness at Plymouth till your ldp.'s dispatches from Lisbon should furnish the means of deciding upon the propriety of sending them to Portugal, or of continuing to apply them to their original destination.—In this respect therefore, the wish which has been so strongly expressed to you by his royal highness the Prince Regent and by Mons. d'Araujo, of the British troops not entering the Tagus, has been already anticipated; and your ldp. will not fail to impress his royal highness the Prince Regent with this proof of the delicacy and attention with which his majesty has consulted the wishes and apprehensions of the court of Portugal, while he was at the same time generously providing for the substantial purposes of their support and protection.—The general tenor of your lordship's most recent informations, concurring with the positive assurances of M. d'Araujo, in establishing the belief that there is no immediate menace of attack from Bayonne, and the fears and solicitations of the court of Lisbon appearing to be much alive to the supposed danger to Portugal by the continuance of the British squadron in the Tagus, your lordship is instructed further to declare to his royal highness the Prince Regent, that his majesty, having performed the duty of a faithful and generous ally by the proffer of his powerful assistance, is satisfied to withdraw for the present, that assistance, at the earnest request of the court of Lisbon, and therefore that proper orders will be accordingly forthwith sent out to the earl of St. Vincent to that effect.

Papers relating to America.] Lord Henry Petty moved that an humble address be presented to his majesty, "That he will be graciously pleased to give directions that there be laid before this house, a copy of such communications as have passed between his majesty's government and that of the United States of America, relating to a ratification of a Treaty with the United States." In consequence of the above motion, three sets of Papers were, on the 18th and 22d instant, laid before both houses of parliament, of which the following are copies, viz.

PAPERS
RELATING TO AMERICA.

(First set, presented feb. 18.)

No. I.—Extract of a Dispatch from the hon. David M. Erskine to lord visc. Howick, dated Washington, March 2d, 1807.

I have the honour to enclose the President's Message to the Congress, which conveys the information of the adjustment of the negociation between his majesty's commissioners and the American ministers. Your lordship will also find in it, the Correspondence of the American Minister at Paris with the French minister of the Marine, relative to the effect that Buonaparte's Decree of the 21st of Nov. declaring England to be in a state of blockade, is intended to have on American Commerce.

(First Inclosure referred to in No. 1.)—Extract of a Message from the President of the U.States. Feb. 19, 1807.

To the Senate and House of Representatives of the United States: I transmit to congress, a Letter from our ministers plenipotentiary at London, informing us that they have agreed with the British commissioners to conclude a Treaty on all the points which had formed the object of their negociation, and on terms which they trusted we would approve. Also, a Letter from our minister plenipotentiary at Paris, covering one to him from the minister of marine of that government, assuring him that the Imperial Decree lately passed was not to affect our commerce, which would still be governed by the rules of the Treaty established between the two countries. T. Jefferson.

(Second Inclosure referred to in No. 1.)—To James Madison, Secretary of State, Washington, dated London, Dec. 27th, 1806.

Sir; We have the pleasure to acquaint you that we have this day agreed with the British commissioners, to conclude a Treaty on all the points which have formed the object of our negociation, and on terms which we trust our government will approve. It will require only a few days to reduce it to form. When that is done, we shall transmit it to you by a special messenger. We hasten to communicate to you this interesting intelligence, for the information and guidance of our government in such measures as may have reference to the subject. We have the honour, &c. James Monroe. Wm. Pinckney.

(Third Inclosure referred to in No. 1.)—To Mr. Madison, Washington, dated Paris, 24th Dec. 1806.

Sir; I have the honour of transmitting the copy inclosed of a Letter from his majesty's minister of marine and colonies, in Answer to mine of the 10th inst. on the subject of the Imperial Arrêté of the 21st of Nov. 1806. An additional explanation, which it may be well to communicate, is, that neutral vessels coming from England or her colonies, into the ports of France, &c. since the date of the aforesaid Arrêté, will not be received, and that if any person or persons, charged with the ship or other vessel and cargo, shall be detected in evading this regulation by means of false declarations, they shall forfeit the said ship or other vessel and cargo. I am, Sir, &c. John Armstrong.

(Fourth Inclosure referred to in No. 1.)—Imperial Decree of the 21st Nov. 1806.

Art. I.—The British Islands are declared in a state of Blockade.—II. All commerce and correspondence with the British islands are prohibited. In consequence, letters or packets addressed either to England, to an Englishman, or in the English language, shall not pass through the Post Office, and shall be seized.—III. Every subject of England, of whatever rank and condition soever, who shall be found in the countries occupied by our troops, or by those of our allies, shall be made a prisoner of war.—IV. All magazines, merchandize, or property whatsoever, belonging to a subject of England, shall be declared a lawful prize.—V. The trade in English merchandize is forbidden. All merchandize belonging to England, or coming from its manufactories and colonies, is declared lawful prize.—VI. One half of the proceeds of the confiscation of the merchandize and property, declared good prize by the preceding Articles, shall be applied to indemnify the merchants for the losses which they have suffered by the capture of merchant vessels by English cruizers.—VII. No vessel coming directly from England or from the English colonies, or having been there since the publication of the present decree, shall be received into any port.—VIII. Every vessel contravening the above clause, by means of a false declaration, shall be seized, and the vessel and cargo confiscated, as if they were English property.—IX. Our Tribunal of Prizes at Paris is charged with the definite adjudication of all the controversies, which may arise within our empire, or in the countries occupied by the French army, relative to the execution of the present decree. Our Tribunal of Prizes at Milan, shall be charged with the definite adjudication of the said controversies which may arise within the extent of our kingdom of Italy.—X. The present Decree shall be communicated by our minister of exterior relations, to the kings of Spain, of Naples, of Holland, and of Etruria, and to our Allies, whose subjects, like ours, are the victims of the injustice and the barbarism of the English maritime laws. Our ministers of exterior relations, of war, of marine, of finances, of police, and our post masters general, are charged, each in what concerns him, with the execution of the present Decree.

(Fifth Inclosure referred to in No. 1.)—Gen. Armstrong to the Minister of Marine and Colonies, dated Paris, Dec. 10, 1806.

The undersigned, minister plenipotentiary of the U. States of America, has the honour of demanding from his exc. the minister of marine and colonies, the official Explanation which may have been given to the Imperial Decree of the 21st Nov. 1806, so far as that decree involves the rights of neutral nations.—The undersigned would more particularly wish to be informed whether by 'British Islands' mentioned in Art. I. are to be understood all Islands in the possession of his Brit. majesty, and Islands merely, or whether the rule will be so construed, as to extend the Blockade to the continental possessions also, of his said majesty? Whether it be meant that the Arrêté shall operate from its date, and that seizures made under it before notice shall have been given, shall be considered legal? Whether American vessels, navigating the high or narrow seas shall be liable to seizure, on evidence only, that they are going to, or returning from, a port or ports of his Brit. majesty? And whether Art. II. and V. shall operate only as domestic Regulations, or whether their injunctions shall extend to citizens of foreign and independent nations? His exc. the minister of marine is sufficiently aware of the interest of the United States in the interpretation which shall be given to these Articles, and will readily and justly appreciate the motives of the undersigned, in requesting that his excellency's Answer may be given as promptly as possible. JOHN ARMSTRONG.

(Sixth Inclosure referred to in No. 1.)—Dated Paris, 24th Dec. 1806.

Mr. Minister Plenipotentiary; I hasten to answer the Note you did me the honour to address to me on the 20th of this month. I consider the Imperial Decree of the 21st Nov. last, as, thus far, conveying no modification of the Regulations at present observed in France with regard to neutral navigators, nor consequently of the convention of the 30th Sept. 1800, with the United States of America. But although, by this Answer, the four Questions upon which your exc. has desired to know my opinion, have been implicitly resolved, I think I can add, 1st, That the Declaration expressed by the 1st Art. of the Decree of the 21st Nov. not at all changing the present French laws concerning maritime captures, there is no reason for enquiring what interpretation or restriction or extension may be given to this Article. 2d, That Seizures, contrary to the present Regulations concerning Cruizing, shall not be allowed to the capturers. 3d, That an American vessel cannot be taken at sea for the mere reason that she is going to a port of England, or is returning from one, because, conformably with the 7th Art. of the said Decree, we are limited in France not to admit vessels coming from England or the English Colonies. 4th, That the provisions of Articles 2d and 5th of the said Decree, naturally apply to foreign citizens domiciliated in France or in the countries occupied by the troops of his majesty the emperor and king, inasmuch as they have the character of a general law; but that it will be proper that your exc. should communicate with the minister of exterior relations as to what concerns the correspondence of the citizens of the United States with England. I pray, &c. (Signed) Decres.—It will not escape gen. Armstrong that my Answers cannot have the developement which they would receive from the minister of exterior relations, and that it is naturally to him that he ought to address himself for these explanations, which I am very happy to give him, because he wishes them, but upon which I have much less positive information than the Prince of Beneventum. (Signed) Decres.

No. II.—Message from the President to the Senate and House of Representatives of the United States. Dec. 18, 1807.

The communications now made, shewing the great and increasing dangers with which our vessels, our seamen, and merchandize are threatened, on the high seas and elsewhere, from the belligerents of Europe, and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress; who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States. Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis. I ask a return of the letters of Messrs. Armstrong and Champagny, which it would be improper to make public.

Th. Jefferson.

No. III.—Extract of a Letter from the Grand Judge, Minister of Justice at Paris, to the Attorney General for the Council of Prizes there, dated Paris, Sept. 18th, 1807.

I have submitted to his majesty the emperor and king the doubts raised by his exc. the minister of marine and colonies, on the extent of certain dispositions of the imperial decree of the 21st Nov. 1806, which has declared the British isles in a state of blockade. The following are his majesty's intentions on the points in question: May vessels of war by virtue of the imperial decree of 21st Nov. last, seize on board neutral vessels, either English property, or even all merchandize proceeding from the English manufactories or territory?—Answer. His majesty has intimated that, as he did not think proper to express any exception in this Decree, there is no ground for making any in its execution in relation to any whomsoever, (à l'egard de qui que ce peut être.) His majesty has postponed a decision on the question, whether armed French vessels ought to capture neutral vessels bound to or from England, even when they have no English merchandize on board. (Signed) Regnier.

(Second set, presented Feb. 22.)

No. I.—Dispatch from lord visc. Howick to the hon. David Erskine, dated Downing Street, 8th Jan. 1807.

Sir; Your dispatch No. I. announcing your arrival at Annapolis on board the Avon sloop of war, was received here on the 6th of Dec. and, together with Mr. Merry's dispatches, which were received at the same time, has been laid before the king. It is with great satisfaction that I inform you that the Treaty of Amity, Navigation, and Commerce, between this country and the U. States, was signed on 31st ult. by lords Holland and Auckland on the part of his maj. and by M.M. Monroe and Pinkney on the part of their government.—Mr. Purviance, secretary to the American legation here, who leaves London to-day, is the bearer of the Treaty for ratification. I have the honour herewith to transmit a copy of this Treaty for your information, together with a copy of a Note, delivered previous to the signature by the lords Holland and Auckland, relative to the complaints of the Canada merchants, on the subject of the estimation of the duties on the inland trade, in certain parts of the U. States. These complaints, which were communicated by Mr. Merry in the early part of last year, but from various circumstances postponed for consideration, certainly must not be lost sight of by his majesty's government, and every means will be taken to obtain redress for the removal of the inconvenience complained of.—I transmit to you also the copy of another Note presented by their lordships to the American commissioners previously to the signature of the Treaty, on the subject of the extraordinary Declarations and Orders of the French government issued at Berlin on the 16th Nov. last. This Note I must recommend to your particular attention; you will state to the American government, that his majesty relies with confidence on their good sense and firmness in resisting pretensions, which, if suffered to take effect, must prove so destructive to the commerce of all neutral nations.—His majesty has learnt, that the measures announced in the Decree have already in some instances been carried into execution by the privateers of the enemy, and there could be no doubt that his maj. would have an indisputable right to exercise a just retaliation. Neutral nations cannot indeed expect that the king should suffer the commerce of his enemies to be carried on through them, whilst they submit to the prohibition which France has decreed against the commerce of his majesty's subjects.—But though this right of retaliation would unquestionably accrue to his maj. yet his maj. is unwilling, except in the last extremity, to have recourse to measures which must prove so distressing to all nations not engaged in the war against France.—His maj. with that forbearance and moderation which have at all times distinguished his conduct, has determined for the present to confine himself to the exercise of the power given him by his decided naval superiority, in such manner only as is authorized by the acknowledged privileges of the law of nations, and has issued an order for preventing all commerce from port to port of his enemies, comprehending in this order, not only the ports of France, but those of such nations as, either in alliance with France or subject to her dominion, have by measures of active offence, or by the exclusion of British ships, taken a part in the present war.—His maj. feels an entire confidence, that the moderation and justice of this conduct will be duly appreciated by the United States; and you will express to that government, in the strongest terms, the regret his maj. has experienced in being thus compelled in his own defence, to act in a manner which must prove in some degree embarrassing to the commerce of neutral nations; and his majesty's sincere desire to avoid any stronger measures, to which, however, if the injustice and aggression of his enemies should not be resisted by those nations whose rights and interests are invaded by so flagrant a violation of all public law, it may be ultimately necessary for the king to have recourse. I am, &c. HOWICK.

No. II.—Note from Lords Holland and Auckland to Messieurs Monroe and Pinkney. Dated London Dec. 31, 1806.

The undersigned, Henry Rd. Vassal lord Holland, and Wm. lord Auckland, plenipotentiaries of his Britannic maj. have the honour to inform J. Monroe and Wm. Pinkney, commissioners extraordinary and plenipotentiaries of the United States of America, that they are now ready to proceed to the signature of the Treaty of Amity, Commerce, and Navigation, on the Articles of which they have mutually agreed. But at the same time they have it in command from his maj. to call the attention of the commissioners of the U. States to some extraordinary proceedings which have lately taken place on the continent of Europe, and to communicate to them officially the sentiments of his maj.'s government thereupon.—The proceedings alluded to are certain Declarations and Orders of the French government, issued at Berlin on the 21st of Nov. last. In these Orders the French government seeks to justify or palliate its own unjust pretensions, by imputing to G. Britain, principles which she never professed and practices which never existed.—His majesty is accused of a systematic and general disregard of the law of nations, recognized by civilized states, and more particularly of an unwarrantable extension of the right of blockade; whereas his maj. may confidently appeal to the world on his uniform respect for neutral rights, and his general and scrupulous adherence to the law of nations, without condescending to contrast his conduct in these particulars with that of his enemy; and with regard to the only specific charge, it is notorious that he has never declared any ports to be in a state of blockade without allotting to that object a force sufficient to make the entrance into them manifestly dangerous.—By such allegations, unfounded as they are, the enemy attempts to justify his pretensions of confiscating as lawful prize all produce of English industry or manufacture, though it be the property of neutrals; excluding from his harbours every neutral vessel which has touched at any port of his majesty's dominions, though employed in an innocent commerce; and of declaring G. Britain to be in a state of blockade though his own ports and arsenals are actually blockaded, and he is unable to station any naval force whatever before any ports of the United Kingdom.—Such principles are in themselves extravagant and repugnant to the law of nations; and the pretension founded on them, though professedly directed solely against G. Britain, tend to alter the practice of war among civilized nations, and utterly to subvert the right and independence of neutral powers.—The undersigned cannot, therefore, believe, that the enemy will ever seriously attempt to enforce such a system. If he should, they are confident, that the good sense of the American government will perceive the fatal consequences of such pretensions to neutral commerce, and that its spirit and regard to national honour will prevent its acquiescence in such palpable violations of its rights and injurious encroachments of its interests.—If, however, the enemy should carry these threats into execution, and if neutral nations should, contrary to all expectation, acquiesce in such usurpations, his maj. might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt in regard to the commerce of neutral nations with his enemies, the same measures which those nations shall have permitted to be enforced against their commerce with his subjects. The commissioners of the United States will therefore feel, that at a moment when his maj. and all neutral nations are threatened with such an extension of the belligerent pretensions of his enemies, he cannot enter into the stipulations of the present Treaty without an explanation from the United States of their intentions, or a reservation on the part of his maj. in the case above-mentioned, if it should ever occur.—The undersigned, considering that the distance of the American government renders any immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorized by his majesty to conclude the Treaty without delay. They proceed to the signature under the full persuasion that, before the Treaty shall be returned from America, with the ratification of the United States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the United States, by its conduct or assurances, will have given security to his maj. that it will not submit to such innovations in the established system of maritime law: and the undersigned have presented this Note from an anxious wish that it should be clearly understood on both sides, that, without such abandonment of his pretensions on the part of the enemy, or assurances of such conduct on the part of the United States, his maj. will not consider himself bound by the present signature of his commissioners to ratify the Treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of the enemy.—The undersigned cannot conclude, without expressing their satisfaction at the prospect of accomplishing an object so important to the interests and friendly connection of both nations, and their just sense of the conciliatory disposition manifested by the commissioners of the United States, during the whole course of the negociation.

Vassal Holland. Auckland.

No. III.—Extract of a Dispatch from the hon. David Erskine to lord visc. Howick, dated Washington, March 30th, 1807.

In compliance with your lordship's Instructions, I communicated to this government his majesty's views relative to the French Decree of the 21st Nov. 1806, as detailed in your dispatch to me of the 8th January last; and received the Answer which I have now the honour to inclose.

(Inclosure referred to in No. III.)—To the hon. David Erskine, &c. Dated Department of State, 20th March 1807.

Sir; I have laid before the president your Letter of the 12th inst. communicating the views of his Britannic maj. in relation to the French Decree of Nov. 21st, 1806, and to the principle of retaliation, through the commerce of neutrals who may submit to the operation of that Decree; as also the measure actually taken, of prohibiting all neutral commerce from port to port of his enemies, not only the ports of France, but those of such other nations, as, either in alliance with France, or subject to her dominion, have by measures of active offence, or by the exclusion of British ships, taken a part in the present war.—The president cannot be insensible, sir, to the friendship and confidence towards the United States which are signified by his Britannic maj. in this communication.—In making this acknowledgment, however, the president considers it not less incumbent on him to reserve for a state of things which it is hoped will never occur, the right of discussing the legality of any particular measures, to which resort may be had, on a ground of retaliation; at this time, it would suffice to observe that it remains to be more fully ascertained in what sense the decree in question will be explained, and to what extent it will be carried into execution, and consequently whether in any case the United States can be involved in questions concerning measures of retaliation, supposed to accrue to one belligerent from such a proceeding, by another.—But it is worthy the justice and liberty of the British government to recollect, that, within the period of those great events which continue to agitate Europe, instances have occurred, in which the commerce of neutral nations, more especially of the United States, has experienced the severest distresses from its own orders and measures, manifestly unauthorized by the law of nations. The respect which the United States owe to their neutral rights and the interests they have in maintaining them, will always be sufficient pledges, that no culpable acquiescence on their part will render them accessary to the proceedings of one belligerent nation, through the rights of neutrals, against the commerce of its adversary.—With regard to the particular order issued against the trade of neutrals from one port to another of the enemies of Great Britain, no fair objection can lie against it, provided it be founded on and enforced by actual blockades, as authorized by the law of nations. If, on the other hand, the order has reference not to such a blockade, but to a supposed illegality of the neutral trade from one to another of the described ports, the remark is obvious, that, on that supposition, the order is superfluous, the trade being as interdicted by the law of nations, liable at all times, without any such order, to the capture of British cruizers and the condemnation of British courts; and if not interdicted as such by the law of nations, it cannot otherwise be made illegal, than by a legal blockade of the ports comprehended in the order. This inference is applicable even to the case of a neutral trade between the ports of France herself, since it is not a principle of the acknowledged law of nations, that neutrals may not trade from one to another port of the same belligerent nation; and it would be an innovation on that now not before attempted, to extend the principle to a neutral trade between ports of different countries, confessedly open in times of peace as well as of war.—If the British order refers for its basis, to the principle of retaliation against the French decree, it falls under the observations already made on that subject, and which need not be repeated. I have, &c.

James Madison.

No. IV.—Dispatch from the hon. David Erskine to lord visc. Howick, dated Washington, 31st March, 1807.

My Lord; After I had closed the preceding number of my dispatches which accompany this, I received another letter from Mr. Madison, in answer to the communications, which, in obedience to your lordship's orders, I made to this government, of his majesty's views relative to the French decree of blockade of the 21st of November last, and his majesty's prohibitory orders against the neutral trade from port to port of his enemies. As I conceived it would be most prudent to wait for your lordship's instructions, I did not send any reply to the letter, but have now the honour to inclose it to your lordship. I have, &c. D. M. Erskine.

(Inclosure referred to in No. IV.)—To the hon. David Erskine, dated Department of State, 29th March 1807.

Sir; Further reflection on the tenor and tendency of the order of his Britannic majesty, communicated by your letter of the 16th instant, which was answered by mine of the 20th, induces me to resume that important subject.—From the difficulty of supposing that the order can have for its basis either a legal blockade, impossible to be extended to all the ports described in the order, or a supposed illegality of the trade between those ports, an illegality which has never been applied by the British government or its admiralty courts, to use accustomed trade even between ports of a belligerent nation, and is utterly at variance with the conduct of both, in reference to a trade between a belligerent nation and its allies; a necessity seems to result of ascribing the order to the policy of countervailing through the commerce of neutrals, the French decree of the 21st of Nov. last.—In this view of the order, it demands, on the part of the United States, the most serious attention both to its principle and to its operation.—With respect to its principle, it will not be contested, that a retaliation by one nation on its enemy, which is to operate through the interest of a nation not its enemy, essentially requires, not only that the injury inflicted should be limited by the measure of injury sustained, but that every retaliating step in such a case should be preceded by an unreasonable failure of the neutral party, in some mode or other to put an end to the inequality wrongfully produced. Were it certain, therefore, that the French decree is to be enforced in the sense in which it is taken, and that, in violation of the treaty between France and the United States, the commerce of the latter will not be exempted; the British order being peremptory in its import and immediate in its execution, might justly be regarded by the United States as a proceeding equally premature and unfriendly. But in the uncertainty as to the real meaning of that decree, and whilst a presumption offered itself, that the decree, if avowed and executed in an unlawful extent, might not embrace the commerce of the United States; they are bound by justice to their interests, as well as by respect for their rights, to consider the British order as a ground for serious complaint and remonstrance. Should it prove that the decree had not the meaning ascribed to it, and particularly, should the respect of France for her treaties with the United States, except their trade from the operation of the decree, the order of the British government will stand exposed to still severer comments. It will take the character of an original aggression, will furnish to the French government a like ground with that assumed by itself, for retaliating measures, and will derive a very unfavourable feature from the consideration that it was a palpable infraction of a treaty first signed on the part of the British government, and expected, at the date of the order, to be speedily ratified on the part of the United States.—The necessity of presenting the subject in its true light, is strengthened by the operation which the British order will have on a vast proportion of the entire commerce of the United States, not to dwell on the carrying branch of the commerce between the ports and countries of Europe, and which the immunity given by our flag, in consequence of treaties with the enemies of G. Britain, to British property, and not enjoyed by the property of her enemies, has hitherto been advantageous to G. Britain; and without inquiring into the effect of an application of the interdict to the other quarters of the globe, all of which are evidently within the comprehensive terms of the order, it cannot be overlooked, that the character and course of nearly the whole of the American commerce with the ports of Europe, other than of Great Britain, will fall under the destructive operation of the order; it is well known that the cargoes exported from the United States frequently require that they may be disposed of partly at one market and partly at another. The return cargoes are still more frequently collected at different ports, and not unfrequently at ports different from those receiving the outward cargoes.—In this circuitous voyage, generally consisting of several links, the interest of the undertakers materially requires also, either a trade or a freightage between the ports visited in the circuit. To restrain the vessels of the United States, therefore, from this legitimate and accustomary mode of trading with the continent of Europe, as is contemplated by the order, and to compel them on one hand, to dispose of the whole of their cargoes at a port which may want but a part; and on the other hand, to seek the whole of their returns at the same port, which may furnish but a part, or perhaps no part of the articles wanted, would be a proceeding as ruinous to our commerce as contrary to our essential rights.—These observations, which are made in conformity with the sentiments of the president, cannot fail, sir, to have all the weight with an enlightened and friendly government to which they are entitled, and the president persuades himself, that the good effect of truths which they disclose, will be seen in such measures as will remove all grounds for dissatisfaction, and demonstrate on that side, the same sincere disposition to cultivate harmony and beneficial intercourse, as is felt and evinced by the United States and their government. I have, &c. JAMES MADISON.

THIRD SET OF PAPERS, PRESENTED FEB. 22.

No. I.—NOTE from Messrs. Monroe and Pinkney to Mr. Secretary Canning, dated London, 24th July 1807.

The undersigned, commissioners extraordinary and plenipotentiary of the U. States of America, have the honour to inform Mr. Canning, that they are instructed by the president of the United States to propose to his majesty's government a renewal of negotiation relative to the objects of the mission of the undersigned, with a view to a more satisfactory result than is found in the Instrument signed on the 31st of Dec. last, by his majesty's plenipotentiaries, and those of the United States.—The undersigned are persuaded that his majesty's government will see in this measure, an unquestionable proof of the sincere desire of the president to place the friendly relations of the two countries beyond the reach of those misunderstandings which either the absence or the inadequacy of precise arrangements on subjects of the greatest delicacy and importance might from time to time occasion.—It is under the influence of this solicitude, that the president has charged the undersigned to express to his majesty's government, his unfeigned regret that the Instrument above-mentioned does not appear to him to be such as he can approve, and at the same time to declare his entire confidence that the just and liberal sentiments which animate his majesty's government, corresponding with those which belong to the government of the United States, cannot fail to lead, without delay or difficulty, to such an issue of the negotiation which is now proposed, as shall be suited in all respects, to the rights and interests of both nations, and therefore calculated to insure a long continuance of the friendship which so happily subsists between them.—The undersigned have already had the honour to present to Mr. Canning a Paper, which, taken in connection with a Project on the subject of Impressment, and another on the subject of certain Claims to Compensation by American citizens, presented by the undersigned at the same time, will be found to exhibit a compleat view of the Alterations which the Instrument above-mentioned is deemed by the president to require. They forbear to trouble Mr. Canning with a recapitulation of the details which these Papers contain; but there are some Explanations upon the topics of Impressment and Compensation which they do not furnish, and which it is therefore incumbent upon the undersigned to avail themselves of this occasion to give. —It was one of the primary objects of the mission of the undersigned to adjust with his majesty's government a formal and explicit arrangement relative to a practice by British ships of war, which has excited in a very great degree the sensibility of the American people, and claimed the anxious attention of their government. The practice alluded to, is that of visiting on the main ocean the merchant vessels of the United States, navigable under the American flag, for the purpose of subjecting their crews to a hasty and humiliating inquisition, and impressing as British seamen such of the mariners, as upon that inquisition the visiting officer declares to be so. The effect of this practice is, that the flag of an independant power is dishonoured, and one of the most essential rights of its sovereignty violated; that American citizens, either mistaken for British subjects, or assumed to be such without inquiry, are forced from the quiet pursuits of a lawful commerce into the severe and dangerous service of a foreign military navy, to expose their lives in fighting against those with whom their country is at peace; and that the merchant vessels of the United States are frequently thus stripped of so large a portion of their hands, before their voyages have been performed, as to bring into the most imminent peril, and sometimes to produce the actual loss of the vessels, their cargoes, and their remaining crews. It cannot be thought surprising that a practice like this should act with peculiar force upon the feelings of those whom it oppresses, and that the sensation should extend itself to their countrymen and their government.—The government of the United States has accordingly made this pretension the subject of frequent discussion with G. Britain, and when an extraordinary mission to his majesty's government was last year determined on, it was one of the Instructions to the undersigned, to whom the duties of that mission were confided, to make no treaty which should not provide for that object. In the first stages of the negotiation, which followed that mission, the undersigned were led to indulge a confident expectation that such a provision should be obtained. At length however the rejection by his majesty's government of a project of an article on this point, which, without touching the question of right, offered on the part of the United States an effectual equivalent for the mere forbearance of the practice, having extinguished all hope of an immediate adjustment of this subject by treaty, the undersigned felt that they were called upon by candour as well as by their duty to their government, to inform the British commissioners, that the project relative to Impressment having failed, they had no power to conclude a Treaty upon the other points which had been discussed between them, so as to bind the government of the United States. The undersigned did accordingly give them this information in the most explicit terms, and the negotiation was in consequence for a short time suspended. It was soon afterwards, however, suggested by his majesty's commissioners, that, if this topic should be expressly reserved for future conventional arrangements, and a pledge given to the United States for resuming the consideration of it at a convenient season with that view, and if, in the mean time, such an informal understanding should be substituted, as in its practical effect would remove the vexation complained of, it might perhaps be yet possible to conduct the negotiation to a result which would not be unacceptable to the respective governments; and in pursuance of this suggestion the British commissioners presented to the undersigned on the 8th of Nov. last, the official Note, of which a copy is herewith enclosed. The undersigned transmitted to their government, for its consideration, a copy of this Note, together with a statement of the circumstances connected with it, and, without giving it their sanction, agreed in the mean time to concur with the British commissioners, as they were invited to do, in an effort to adjust the stipulations of a Treaty upon the remaining objects of their mission, and to leave the effect of what should be adjusted to their government.—It appears that the president of the United States considers this collateral proceeding upon a concern of such paramount importance, as unsuitable to the nature of it, as well in the mode as in its terms. In this opinion the president does but continue to respect the considerations which heretofore induced him to believe that an arrangement upon this point ought to stipulate with precision against the practice in question, and that the manner of it would properly be that which should be chosen for the arrangement of the other points of discussion; and in the Instructions which, in conformity with that opinion, he has now given to the undersigned, he does but manifest his reliance upon the spirit of justice and amity, which he is assured his majesty's government will bring to the renewed consideration of a subject so interesting to the rights and feelings of a friendly nation, for such an adjustment of this, as well as of every other question belonging to the relations of the two countries, as shall confirm their dispositions to mutual kindness, and promote the happiness and prosperity of both.—The subject of Compensation will perhaps be sufficiently explained by the inclosed copies of two Notes from the undersigned to lord Holland and lord Auckland and to lord Howick.—It will appear from the last of these Notes, that this subject, for which the projected Treaty did not provide, was not to be affected by it; but on the contrary, that the rights of the United States and the Claims of their citizens were understood to be reserved for future adjustment, as compleatly as if no treaty had been made; and it will occur to Mr. Canning, that the project of an Article on this point, which they had the honour to leave with him at their late interview, is in the spirit of that understanding, and is besides so entirely free from objection, that no motive is likely to exist against the adoption of it.—There is another subject, to which the undersigned have the orders of the president to invite the attention of his majesty's government, as affecting materially, and giving a new and unexpected character to the proposed Treaty. They allude to the written Declaration relative to the French Decree of the 21st of Nov. last, by which his majesty's plenipotentiaries accompanied their signature of the Treaty; a Declaration, which, in its actual form, creates unnecessary embarrassments in the way of an acceptance of the treaty by the United States.—The undersigned persuade themselves, that as this proceeding, to which no sanction was given on their part, imposed on the United States no new obligation, and could only be intended to declare that, in signing or ratifying the Treaty, it was understood by G. Britain that nothing contained in it would be a bar to any measure which, if no such treaty had been signed, would be lawful as a measure of retaliation against her enemy, and as the occasion which produced it does not now appear to exist as then supposed, it will not be thought that any thing is sacrificed by withdrawing it as unnecessary.—The undersigned, &c.

James Monroe, William Pinkney.

(First Inclosure referred to in No 1.)—Copy of the Treaty of Amity, Commerce, and Navigation, between his majesty and the United States of America, concluded and signed on the 31st Dec. 1806, by the right hon. Henry Rd. Vassal lord Holland, one of his majesty's privy council and lord keeper of his majesty's privy seal, and Wm. lord Auckland one of his majesty's privy council, and president of the committee of council for all matters of trade and foreign plantations, plenipotentiaries on the part of his Britannick majesty; and James Monroe and Wm. Pinkney, commissioners extraordinary and ministers plenipotentiary on the part of the United States.

His Britannic majesty, and the United States of America, being equally desirous to promote and perpetuate the good understanding and friendship which happily subsist between the subjects of the united kingdom and the citizens of the United States, and for that purpose to regulate the commerce and navigation between their respective countries, territories, and people, on the basis of reciprocity and mutual convenience, have respectively named their plenipotentiaries, and have given to them full powers to make and conclude a Treaty of Amity, Navigation, and Commerce; that is to say, his Britannick majesty has named for his plenipotentiaries Henry Rd. Vassal lord Holland, one of his majesty's privy council and lord keeper of his majesty's privy seal; and Wm. lord Auckland, one of his majesty's privy council, and president of the committee of council for all matters of trade and foreign plantations: And the President of the United States, by and with the advice of the Senate thereof, hath appointed for their plenipotentiaries James Monroe and Wm. Pinkney, commissioners extraordinary and plenipotentiaries; who, after having exchanged their respective full powers, have agreed on the following Articles:

Art. 1. There shall be a firm, inviolable and universal peace, and a true and sincere friendship between his Britannick majesty and the United States of America, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of persons or places.

Art. 2. It is agreed, that the several Articles of the Treaty of Amity, Commerce, and Navigation, between his majesty and the United States, made at London on the 19th of Nov. 1794, which have not expired, nor as yet had their full operation and effect, shall be confirmed in their best form, and in their full tenour; and that the contracting parties will also from time to time enter into friendly explanations on the subject of the said Articles, for the purpose of removing all such doubts as may arise or have arisen as to the true purport of the same, as well as for the purpose of rendering the said Articles more conformable to their mutual wishes and convenience.

Art. 3. His maj. agrees, that the Vessels belonging to the U. States of America [and sailing direct from the said States,(1)] shall be admitted and hospitably received in all the sea ports and harbours of the British dominions in the East Indies; and that the citizens of the said United States may freely carry on a trade [between the said territories and the said United States, (2)] in all articles of which the importation or exportation respectively to and from the said territories shall not be entirely prohibited: Provided only, that it shall not be lawful for them, in any time of war between the British government and any power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted into the said ports, no other or higher tonnage than shall be payable on British vessels, when admitted into the ports of the United States; and they shall pay no other or higher duties or charges, on the importation or the exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen, (3) and such Regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation.—It is also understood, that the permission granted by this Article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories,(4) but the vessels going out with their original cargoes or part thereof from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this Arti-

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Alterations proposed by the President of the United States.

(1) Omit the words 'and sailing direct from the ports of the said States.'—

(2) Omit the words 'between the said territories and the said United States,' and insert 'with the said territories.'—(3) After the words 'where the same shall be unladen,' insert 'or to some port or place or ports or places in China, or the Indian or other seas, beyond the Cape of Good Hope, from whence the said vessels shall proceed as aforesaid to some port or place in America, and there unlade their cargoes.'—(4) After the words 'British territories,' insert 'without the special permission of the British government.'—

cle to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgressions should be attempted against the Regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive at any port or harbour in the said territories, or if they should be permitted in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction, of whatever nature, established in such harbour, port, or place, according as the same may be. The citizens of the United States, may also touch for refreshment at the Island of Saint Helena, (5) but subject in all respects to such Regulations as the British government may from time to time establish there.

Art. 4. There shall be between all the dominions of his majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty freely and exclusively, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there without any limitation of time; also to hire and possess houses and warehouses for the purpose of their commerce; and generally, the merchants and traders on each side shall enjoy the most compleat protection and security for their commerce, but subject always as to what respects this Article, to the laws and statutes of the two countries respectively. (6)

Art. V. It is agreed, that no other or higher Duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country.(7)—Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations. But the British government reserves to itself the right of imposing on American vessels entering into British ports in Europe a tonnage duty equal to that which shall at any time be payable by British vessels in the ports of America; and the government of the United States reserves to itself a right of imposing on British vessels entering into the ports of the United States, a tonnage duty equal to that which shall at any time be payable by American vessels in the British ports in Europe.—It is agreed, that in the trade of the two countries with each other," the same duties of exportation and importation on all goods and merchandize, and also the same drawbacks and bounties, shall be paid and allowed in either country, whether such importation or exportation shall be made in British or American vessels.

Art. 6. The high contracting parties not having been able to arrange at present, by treaty, any Commercial Intercourse between the territories of the United States and his majesty's islands and ports in the West-Indies, agree that, until that subject shall be regulated in a satisfactory manner, each of the parties shall remain in the complete possession of its rights, in respect to such an intercourse.

Art. 7. It shall be free for the high contracting parties respectively to appoint consuls for the protection of Trade, to reside in the dominion and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function; but before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent: And it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other the reasons for the same. —Either of the parties may except from the residence of consuls, such particular places as such party shall judge proper to be excepted (8).

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(5) After the words 'St. Helena,' insert 'or at such other places as may be in the possession of Great Britain in the African or Asiatic seas.'—(6) At the end of the Article add 'And it is further agreed, that if any other trade in and with the said British territories in the East Indies than is hereby authorized, or any other or greater rights or advantages in respect thereof shall be granted or permitted to the citizens or subjects of any European nation, the same shall be common to the citizens of the U. States.'—(7) At the end of the first Paragraph insert 'nor shall any higher duties or charges be imposed in one country, on the exportation of any articles to the ports of the other, than such as are payable on the exportation of the like articles to every other foreign country.'—

Art. 8. It is agreed, that in all cases where Vessels shall be captured or detained [on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war (9)] or for [other (10)] lawful cause, the said vessel shall be brought to the nearest or most convenient port; [and if any property of an enemy should be found on board such vessel (11)] that part only which [belongs to the enemy or (12)] is [otherwise (13)] confiscable, shall be made prize, and the vessel, unless by law subject to condemnation, shall be at liberty to proceed with the remainder of the cargo, without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay in deciding the cases of ships and cargoes so brought in for adjudication, and in the payment or recovery of any indemnification adjudged or agreed to be paid to the masters or owners of such ships.—It is also agreed, that in all cases of unfounded detention, or other contravention of the Regulations stipulated by the present Treaty, the owners of the vessel and cargo so detained shall be allowed damages proportioned to the loss occasioned thereby, together with the costs and charges of the trial.

Art. 9. In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said denomination shall be comprized all arms and implements serving for the purposes of war by land or by sea, such as cannon, musquets, mortars, petards, bombs, grenadoes, carcasses, carriages for cannon, musquet rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war; as also timber for ship building, copper in sheets, sail cloth, hemp, and cordage, and in general (with the exception of unwrought iron and fir planks; and also with the exception of tar and pitch (14), when not going to a port of naval equipment, in which case they shall be entitled to pre-emption) whatever may serve directly to the equipment of vessels; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy; but no vessel shall be detained on pretence of carrying contraband of war, unless some of the above-mentioned articles not excepted, are found on board of the said vessel at the time it is searched.

Art. 10. Whereas in consideration of the distance, and other circumstances incident to the situation of the high contracting parties, it may frequently happen that vessels may sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after such notice she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof (15).—Neither of the parties when at war, shall, during the continuance of the Treaty, take from on board the vessels of the other, the subjects of the opposite belligerent, unless they be in the actual employment of such belligerent.

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(8) Propose to strike out the last Paragraph.—(9) Omit the words 'on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war.'—(10) Omit the word 'other,' and substitute 'any.'—(11) Omit the words 'if any property of an enemy should be found on board such vessel.'—(12) Omit the words 'belongs to the enemy, or.'—(13) Omit the word 'otherwise.'—

(14) After the words 'tar and pitch,' add 'turpentine and rosin.'—

Art. 11. Whereas differences have arisen concerning the trading with the colonies of his majesty's enemies, and the instructions given by his majesty to his cruizers in regard thereto; it is agreed, that, [during the present hostilities (16),] all articles of the growth, produce, and manufacture of Europe (17), not being contraband of war, may be freely carried from the United States to the port of any colony not blockaded, belonging to his majesty's enemies.—Provided such goods shall previously have been entered and landed in the United States, and shall have paid the ordinary duties on such articles so imported for home consumption, and on re-exportation shall after the drawback remain subject to a duty equivalent to not less than one per cent. ad volorem, and that the said goods and the vessel conveying the same, shall from the time of their clearance from the American port, be *bonâ fide* the property of citizens and inhabitants of the United States: And in like manner, that all articles not being contraband of war, and being the growth and produce of the enemy's colonies, may be brought to the United States, and after having been there landed, may be freely caried from thence to any port of Europe (18) not blockaded, provided such goods shall previously have been entered and landed in the said United States, and shall have paid (19) the ordinary duties on colonial articles so imported for home consumption, and on re-exportation shall, after the draw-back, remain subject to a duty equivalent to not less than 2 per cent. ad valorem; and provided that the said goods and the vessel conveying the same, be *bonâ fide* the property of citizens and inhabitants of the United States (20).—Provided always, that this Article, or any thing therein contained, shall not operate to the prejudice of any right belonging to either party; but that, after the expiration of the time limited for the Article, the rights on both sides shall revive and be in full force.

Art. 12. And whereas it is expedient to make special provisions respecting the Maritime Jurisdiction of the high contracting parties on the coasts of their respective possessions in North America, on account of peculiar circumstances belonging to those coasts, it is agreed that in all cases where one of the said high contracting parties shall be engaged in war, and the other shall be at peace, the belligerent power shall not stop, [except for the purpose hereafter mentioned (21),] the vessels of the neutral power, or the unarmed vessels of other nations within 5 miles from the shore belonging to the said neutral power on the American seas (22).—Provided that the said stipulation shall not take effect in favour of the ships of any nation or nations which shall not have agreed to respect the limit aforesaid as the line of Martime Jurisdiction of the said neutral state: And it is further stipulated, that if either of the high contracting parties shall be at war with any nation or nations which shall have agreed to respect the said special limit or line of Maritime Jurisdiction herein agreed upon, such contracting party shall have the right to stop or search any vessel beyond the limit of a cannon shot or 3 marine miles from the said coasts of the neutral power, for the purpose of ascertaining the nation to which such vessel shall belong. And with respect to the ships and property of the nation or nations not having agreed to respect the aforesaid line of jurisdiction, the belligerent power shall exercise the same rights as if this Article did not exist;

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(15) At the end of the first Paragraph introduce, a definition of the Blockade: 'In order to determine what characterizes a blockade, that dénomination is only given to a port where there is, by the disposition of the power which blockades it with ships stationary, or sufficiently near, an evident danger in entering.'—(16) Omit 'during the present hostilities.'—(17) After the word 'Europe,' insert 'or elsewhere.'—(18) After the word 'Europe,' insert 'or elsewhere.'—(19) After the word 'paid,' insert 'or secured to be paid.'—

(20) At the end of the Paragraph introduce the following 'It is understood, that no inference is to be drawn from this Article to affect any question, now or hereafter to be judicially depending, touching the legality or illegality of a direct trade from Europe, or elsewhere, by citizens of the United States, with enemies colonies beyond the Cape of Good Hope.'—(21) Omit the words 'except for the purpose hereafter mentioned,'—(22) Omit the last Paragraph.—

and the several provisions stipulated by this Article shall have full force and effect only during the continuance of the present Treaty.

Art. 13. With respect to the Searching of Merchant Ships, the commanders of ships of war and privateers shall conduct themselves [as favourably as the course of the war then existing may possibly permit towards the most friendly power that may remain neuter (23,)] observing as much as possible the acknowledged principles and rules of the law of nations. And for the better security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.—For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be compelled to give, before a competent judge, sufficient security, by at least two respectable sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of 2000*l.* sterling; or, if such ship be provided with above 150 seamen, or soldiers, in the sum of 4000*l.* sterling, to satisfy all damages and injuries, which the said privateers, or officers, or men, or any of them, may do or commit during their cruize, contrary to the tenour of this Treaty, or to the Laws and Instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.—It is also agreed, that whenever a Judge of a court of Admiralty of either of the parties shall pronounce sentence against any vessel or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

Art. 14. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbour, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.—And all their ships, with the goods or merchandizes taken by them, and brought into the ports of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or the factors or agents duly deputed, and authorized in writing by them, (proper evidence being shewn in the court of admiralty, for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew, or had good reason to believe, or suspect that they had been piratically taken.

Art. 15. It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party, nor shall the enemies of one

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(23) Propose to introduce, as the first Paragraph of the Article, the following, 'If the ships of either of the parties shall be met with, sailing either along the coasts or on the high seas, by any private armed vessel of the other party, such armed vessel shall, for avoiding all disorder in visiting and examining the same, remain out of cannon shot, unless the state of the sea or place of meeting render a nearer approach necessary; and shall in no case compel or require such vessel to send her boat or her papers or any person from on board to the belligerent vessel, but the belligerent vessel may send her own boat and may enter her, to the number of 2 or 3 men only, who may, in an orderly manner, make the necessary enquiries concerning the vessel and her cargo: And it is agreed, that effectual provision shall be made for punishing violations of any part of this stipulation.'—Omit the words 'as favourably as the course of the war then existing may possibly permit towards the most friendly power that may remain neuter,' and insert 'according to the acknowledged principles and rules of the laws of nations, and as favourably, moreover, as the course of the war then existing may possibly permit towards the most friendly power that may remain neuter.'—

of the parties be permitted to invite or endeavour to enlist in the military service any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed: and if any subject or citizen of the said parties respectively shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission or letter of marque, as a pirate.

Art. 16. It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprizal against the other on complaints of injuries and damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Art. 17. [The ships of war of each of the contracting parties shall at all times be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country (24).] The officers shall be treated with that respect which is due to the commissions which they bear; and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And both contracting parties agree, that in case any vessel of the one should, by stress of weather, danger from enemies, or other misfortunes, be reduced to the necessity of seeking shelter in any of the ports of the other, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received, and permitted to refit, and to purchase at the market price such necessaries as she may stand in need of, conformably to such Orders and Regulations as the government of the place, having respect to the circumstances of each case, shall prescribe.—She shall not be allowed to break bulk or unload her cargo, unless the same shall be *bonâ fide* necessary to her being refitted; nor shall she be obliged to pay any duties whatever, except on such articles as she may be permitted to sell for the purpose aforesaid.

Art. 18. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any power or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

Art. 19. It shall be lawful for the ships of war and privateers, belonging to the said parties respectively, to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fees to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized; nor shall the searchers, or other officers of those places, visit such prizes (except for the purpose of preventing the carrying of any part of the cargo thereof on shore, in any manner contrary to the established laws of revenue, navigation, or commerce); nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew.—No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties, but if forced by stress of weather or the dangers of the sea to enter them, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this Treaty contained shall however be construed to operate contrary to the former and existing public treaties with other sovereigns or states: but the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding articles.—Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon-shot of the coast, nor within the jurisdiction described in Art. 12 so long as the provisions in the said Article shall be in force, by ships of war or others having commissions from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated shall use his utmost endeavours to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels (25).

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(24) Substitute the following: 'The ships of war and privateers of the two nations, as well as their prizes, shall be treated in their respective ports as those of the nation most favoured.'—

Art. 20. If at any time a rupture should take place (which God forbid) between his majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they do it peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of 12 months from the publication of the order shall be allowed them for the purpose to remove them with their families, effects, and property; but this favour shall not be extended to those who shall act contrary to the established laws: and for greater certainty, it is declared, that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degree of which both parties retain their rights, either to request the recall or immediately to send home the ambassador or minister of the other, and that without prejudice to their mutual friendship and good-understanding.

Art. 21. It is further agreed, that his majesty and the United States, on mutual Regulations by them respectively, or by their respective ministers or officers authorised to make the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other; provided that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who make the requisition, and receive the fugitive.

Art. 22. In the event of a shipwreck happening in a place belonging to one or other of the high contracting parties, not only every assistance shall be given to the unfortunate persons, and no violence done to them, but also the effects which they shall have thrown out of the ship into the sea shall not be concealed or detained nor damaged under any pretext whatever; on the contrary the above mentioned effects and merchandize shall be preserved and restored to them, upon a suitable recompence being given to those who shall have assisted in saving their persons, vessels, and effects.

Art. 23. And it being the intention of the high contracting parties that the people of their respective dominions shall continue to be on the footing of the most favoured nation, it is agreed that, in case either party shall hereafter grant any additional advantages, in navigation or trade, to any other nation, the subjects or citizens of the other party shall fully participate herein (26).

Art. 24. The high contracting parties engage to communicate to each other, without delay, all such laws as have been or shall be hereafter enacted by their respective legislatures, as also all measures which shall have been taken for the Abolition or Limitation of the African Slave Trade; and they further agree to use their best endeavours to procure the cooperation of other powers for the final and complete Abolition of a Trade so repugnant to the principles of justice and humanity.

Art. 25. And it is further agreed, that nothing herein contained, shall contravene or affect the due execution of any treaty or treaties now actually subsisting between either of the high contracting parties and any other power or powers.

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(25) 'The two last Paragraphs to be struck out.—

(26) To stand thus: 'It is agreed, that in case either party shall hereafter grant any additional advantages in navigation or trade to any other nation, the subjects or citizens of the other party shall fully participate therein freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.'—

Art. 26. This Treaty, when the same shall have been ratified by his majesty, and by the president of the United States, with the advice of their senate, and their respective ratifications mutually exchanged, shall be binding and obligatory on his majesty and on the said states for ten years (27), from the date of the exchange of the said ratification, and shall be reciprocally executed and observed with punctuality, and the most sincere regard to good faith.

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(27) Period to be five years.—

Articles proposed.—No person whatever shall, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel belonging to citizens or subjects of one of the other parties, by the public or private armed ships belonging to or in the service of the other, unless such person be at the time in the military service of an enemy of such other party.—Art. 2. Complaints having been made by divers merchants and other citizens of the United States, that during the war in which his majesty is engaged, they have sustained loss and damage by reason of the irregular and illegal captures and condemnations of their vessels and other property, under colour or authority of commissions from his majesty, contrary to the tenour of a communication from lord Hawkesbury to Mr. King, of the 11th of April 1801, of which a copy is annexed to this treaty, or contrary to the tenour of a Letter from Mr. Merry to Mr. Maddison, of the 12th of April 1801, of which a copy is also hereto annexed, or otherwise contrary to the known and established rules of the law of nations; and the said merchants and others having farther complained, that full and complete redress for the said losses and damages has not been, and cannot be, for various causes, had and obtained in the ordinary course of judicial proceedings, his majesty agrees that he will, without delay, cause the most effectual measures to be taken in concert with the United States, for an impartial examination of the said complaints, and that he will cause full and complete reparation to be made thereupon to the parties entitled, as justice and equity, and the nature of the respective cases, shall appear to require.

(Second Inclosure referred to in No. 1.) —To the right hon. lord Holland and lord Auckland: dated London, Aug. 20th, 1806.

The undersigned, commissioners extraordinary and plenipotentiary of the United States of America, think it necessary to give to lords Holland and Auckland, the commissioners extraordinary and plenipotentiary of his majesty, a brief explanation in writing of the claims which they have already had the honour to mention to their lordships in a recent conference, of sundry American citizens, for suitable Compensation for loss and damages sustained in the course of the present war, by reason of irregular or illegal captures or condemnations of their vessels and other property, and at the same time to call the attention of their lordships to the situation of certain Prize Causes arising out of some of these captures now depending in the tribunals of this country.—The undersigned are happy in having it in their power to state, that, according to the information they have been able to obtain, such of these Claims as relate to captures, which, from causes peculiar to themselves, have excited in America a more than ordinary degree of sensibility, are not so considerable in number as at first was supposed.—The complaints of this description, to which the undersigned would particularly invite the attention of their lordships, have been produced by seizures as prize, made in direct violation of rules of maritime practice previously declared by his majesty's government to the government of the United States, and in no degree revoked or affected by any arrangement between them, or even by any notification, they were about to be abandoned.—Of these seizures, the most important, and in every view the most interesting, were made in the year 1805, and in the early part of the year 1806, of the ships and merchandize of American citizens, upon the pretension, that the voyages on which they were engaged were direct or continuous between the colonies of his majesty's enemies and some port in Europe.—Although it is certain that the government of the United States had never admitted that illegality can be imputed to such a trade, even when confessedly continuous or direct, and had concluded that the question had been otherwise formally settled in its favour, the undersigned believe it to be unnecessary to bring that point into view, with any reference to the cases now under consideration. It is sufficient to state, that at the date of these seizures the merchants of the United States did explicitly understand, and justified in a confident belief, founded not only upon antecedent practice, but upon a formal communication, in the year 1807, to the American minister in London from his majesty's principal secretary of state for the department of foreign affairs, that the circumstances by which these voyages were accompanied, had been and were distinctly admitted by the British government and by British courts of prize, to break their continuity, and render them unquestionably lawful.—The following detail will shew more precisely the nature and effect of the communication to which the undersigned allude.—The public and private armed ships of this country having seized American vessels bound from the United States to the Spanish West Indies, on the pretext that their cargoes consisted of articles of the growth of Spain when at war with Great Britain, and the vice admiralty court of Nassau having condemned the cargo of one of these vessels upon that pretext, Mr. King in a note to lord Hawkesbury of the 13th March 1801, remonstrated against these acts as palpable abuses.—The subject of this remonstrance was immediately referred to the king's advocate, whose report of the 16th March 1801, after declaring that the sentence of the vice admiralty court was erroneous, concludes with the following exposition of the law as understood in G. Britain, relative to the commerce of neutrals with belligerents and their colonies: "It is now distinctly understood, and has been repeatedly so decided by the high court of appeal, that the produce of the colonies of the enemy may be imported by a neutral into his own country, and may be re-exported from thence even to the mother country of such colony; and in like manner the produce and manufactures of the mother country may in this circuitous mode legally find their way to the colonies. The direct trade, however, between the mother country and its colonies have not, I apprehend, been recognized as legal, either by his majesty's government or by his tribunals.—What is a direct trade or what amounts to an intermediate importation into the neutral country may sometimes be a question of some difficulty. A general definition of either, applicable to all cases, cannot well be laid down. The question must depend upon the particular circumstances of each case. Perhaps the mere touching in the neutral country to take fresh clearances may properly be considered as a fraudulent evasion, and is in effect the direct trade; but the high court of admiralty has expressly decided, (and I see no reason to expect that the court of appeal will vary the rule), that landing the goods and paying the duties in the neutral country breaks the continuity of the voyage, and is such an importation as legalises the trade, although the goods be reshipped in the same vessel, and on account of the same neutral proprietors, and to be forwarded for sale to the mother country or the colony." An Extract from this Report, containing the foregoing passage, was transmitted by the duke of Portland, in a letter of the 30th of March 1801, to the lords commissioners of the admiralty. His grace's letter concludes thus: "In order, therefore, to put a stop to the inconveniencies arising from these erroneous sentences of the vice admiralty courts, I have the honour to signify to your lordships the king's pleasure, that a communication of the doctrine laid down in the said report shall be immediately made by your lordships to the several judges presiding in them, setting forth what is held to be the law upon the subject by the superior tribunals, for their guidance and direction."—On the 11th of April 1801, lord Hawkesbury communicated to Mr. King, for the information of the government of the United States, a copy of the above letter of the duke of Portland, which is stated by his lordship to have been written by his majesty's command, in consequence of Mr. King's representation of the preceding month, together with a copy of the extract from the report of the king's advocate, referred to in his grace's letter, and already above quoted. Upon the receipt of this communication Mr. King transmitted it to his government in a letter (of which a copy is annexed) containing the following observations: "I take the liberty of suggesting the expediency of publishing these copies in our newspapers, as the most expeditious means of communicating the same to the cruizing ships and privateers in the American seas. Having intimated this suggestion to lord Hawkesbury before he prepared and sent me his answer, there can be no exceptions here against such a publication." The publication was directed and took place accordingly.—The undersigned are persuaded that lord Holland and lord Auckland will at once perceive that the Report of the king's advocate, thus unequivocally adopted by his majesty's government, and communicated as an act to be respected and confided in, through the American minister, to the government of the United States, and finally to their citizens, and to Europe through the medium of a publication expected and authorized, cannot in any fair construction be viewed as any thing short of a formal declaration on the part of Great Britain; that the landing of the cargo and the payment of the duties in the neutral country would be considered as legalizing the circuitous trade, even between a belligerent and its own colonies.—The practice during the late and the two first years of the present war was in perfect conformity with this document, and by that conformity encreased its authority, and furnished an additional justification, if any had been required, for a dependance upon the doctrine which it announced.—In the summer of 1805, however, when a large amount of American property was afloat, undeniably entitled to the protection of the above rule, and committed to the high seas, under an implicit reliance upon a strict adherence to it; the rule was suddenly abandoned, and British cruizers fell upon this trade, thus sanctioned by the express admission, as well as by the acquiescence of their government; and these captures are understood to have received the highest judicial sanction.—The undersigned have no desire to dwell upon this subject. They are convinced that the liberal and equitable sentiments which distinguish his majesty's government render unnecessary the farther explanation of which it is susceptible. Referring to two notes from the undersigned, Mr. Monroe to lord Mulgrave, of the 23d of Sept. 1805, and to Mr. Fox, of the 25th of Feb. 1806, the undersigned have only to declare their sincere conviction that his majesty's government will not fail to see in the facts which they have had the honour to state, an irresistible call upon it to repair the injurious effects of these seizures. As to the few cases of this class now depending before the lords commissioners of appeal, or in other prize courts of his majesty, the undersigned feel assured that measures will be taken to cause them to be favourably disposed of, and that suitable reparation will moreover be secured to the parties injured, for the loss and damage they have sustained. The undersigned have the honour to transmit herewith a list of all the cases of this class, in which are distinguished such as are still judicially depending.—The next class of these cases (of which lists and estimates will hereafter be furnished) comprehends captures during the existing war, contrary to the tenor of a letter of the 5th of Jan. 1804, from sir Evan Nepean to Mr. Hammond, on the subject of the Blockade of Martinique and Guadaloupe, of which a copy was enclosed in a letter of the 12th of April 1804, from Mr. Merry to Mr. Maddison, of both of which letters copies are herewith transmitted.—The citizens of the United States complain that they have suffered severely by captures, in violation of the rules laid down with so much fairness and precision in this communication, and that, where condemnations have not followed, compensation equivalent to the actual loss have not been and cannot be procured in the ordinary course by any exertions on their part. The pretext for some of these captures has been the breach of an alleged blockade of Martinique or Guadaloupe; for others, the breach of an imaginary blockade of Curraçoa; and for others, the breach of an equally imaginary blockade of other ports and places. In all of these cases either the actual investment of the particular port was wanting, or the vessel seized for an imputed criminal destination to it, had not been warned as required. The just extent of these claims the undersigned are not able to state, but they presume it cannot be considerable.—The only remaining claims which are reducible to any precise class, are those which relate to captures within the territorial jurisdiction of the United States. Of these, as well as of some others of a miscellaneous nature, which the undersigned have not at present the means of prescribing distinctly to lord Holland and lord Auckland, lists shall hereafter be prepared and laid before their lordships accompanied by suitable explanations. The undersigned, &c. James Monroe, William Pinckney.

(Letter referred to in second Inclosure of No. 1.)—To the Secretary of State of the United States. Dated Washington, April 12th, 1804.

Sir; Mr. Thornton not having failed to transmit to his majesty's government an account of the Representation which you were pleased to address to him under date of 27 Oct. last year, respecting the blockade of the islands of Martinique and Guadaloupe, it is with great satisfaction, sir, that I have just received his majesty's commands signified to me by his principal secretary of state for foreign affairs, under date of the 6th Jan. last, to communicate to you the instructions which have in consequence of your representation been sent to commodore Hood and to the judges of the vice admiralty courts in the West Indies.—I have accordingly the honour to transmit to you, sir, the inclosed copy of a letter from sir Evan Nepean, secretary to the board of admiralty, to Mr. Hammond, his majesty's under secretary of state for foreign affairs, specifying the nature of the instructions which have been given.—His majesty's government doubt not that the promptitude which has been manifested in redressing the grievance complained of by the government of the United States, will be considered by the latter as an additional evidence of his majesty's constant and sincere desire to remove any ground of misunderstanding that could have a tendency to interrupt the harmony which so happily subsists between his government and that of the United States. I have &c. Ant. Merry.

(Letter referred to in second Inclosure of No. 1. and in the preceding Letter.) To George Hammond esq. Dated Admiralty Office, 5th Jan. 1804.

Sir; Having communicated to the lords of the admiralty lord Hawkesbury's letter of the 23d ultimo, inclosing the copy of a dispatch which his lordship had received from Mr. Thornton his majesty's chargé d'affaires in America, on the subject of the blockade of the islands of Martinique and Guadaloupe, together with the report of the advocate general thereupon; I have their lordships commands to acquaint you, for his lordship's information, that they have sent orders to commodore Hood not to consider any blockade of those islands as existing, unless in respect of particular ports which may be actually invested, and then not to capture vessels bound to such ports unless they shall previously have been warned not to enter them, and that they have also sent the necessary directions on the subject to the judges of the vice admiralty courts in the West Indies and America. I am &c.

Evan Nepean.

(Third Inclosurse referred to in No. 1.) To James Monroe esq. and Wm. Pinckney esq. Dated Holland House, Nov. 8th, 1806.

His majesty's commissioners and plenipotentiaries have the honour to represent to the commissioners and plenipotentiaries of the United States.—That the project of an article on the subject of impressing seamen, together with the reasonings by which the commissioners of the United States have urged the expediency of an engagement on that subject, has been considered with the same friendly and conciliatory disposition, which has marked every step of the negotiation:—That his majesty's government has not felt itself prepared to disclaim or derogate from a right which has been uniformly and generally maintained, and in the exercise of which the security of the British navy may be essentially involved; more especially in a conjuncture when his majesty is engaged in wars which enforce the necessity of the most vigilant attention to the preservation and supply of the naval force of his kingdom:—That his majesty's government, actuated by an earnest desire to remove every cause of dissatisfaction, has directed his majesty's commissioners to give to Mr. Monroe and Mr. Pinckney the most positive assurances that instructions have been given and shall be repeated and enforced for the observance of the greatest caution in the impressing of British seamen; and that the strictest care shall be taken to preserve citizens of the United States from any molestation or injury; and that immediate and prompt redress shall be afforded upon any representation of injury sustained by them:—That the commissioners of the United States well know that no recent cases of complaint have occurred, and that no probable inconvenience can result from the postponement of an article subjected to so many difficulties. Still that his majesty's commissioners are instructed to entertain the discussion of any plan that can be devised to secure the interests of both states without any injury to rights to which they are respectively attached:—That in the mean time the desire of promoting a right conclusion of the proposed treaty, and of drawing closer the ties of connection between the two countries, induces his majesty's commissioners to express their readiness to proceed to the completion of the other articles, in the confident hope, that the result cannot fail to cultivate and confirm the good understanding happily subsisting between the high contracting parties; and still further to augment the mutual prosperity of his majesty's subjects, and of the citizens of the United States. Vassall Holland. Auckland.

(Fourth Inclosure referred to in No. 1.) —To L. Visc. Howick, March 14, 1807.

My lord; In conformity with the intimation which your lordship was so good as to make to us at a late interview, relative to certain claims and prize causes, which had been brought into discussion in the course of the late negotiation, between his majesty's commissioners and those of the United States; we have the honour to transmit to your lordship, the copy of a note to lord Holland and lord Auckland, in which those claims and prize causes are fully explained. It is proper to add, that at the time of the signature of the Treaty, it was distinctly understood between the commissioners on both sides, that this subject was not to be affected by it, but was to remain completely open for future adjustment.—We have it upon the statement contained in that note, and the documents to which it refers, in perfect confidence that it will be viewed by your lordship with the interest which belongs to it, and that every thing which is suitable to the high and honourable character of his majesty's government, and the just claims of the United States will be done, with relation to it, as promptly as circumstances will permit. We have &c.

James Monroe. Wm. Pinkney.

No. 2.—Letter from Mr. Secretary Canning to Lords Holland and Auckland. Dated Foreign Office, July 25th, 1807.

My lords; I have the honour to inclose to your lordships, the copies of a note which I have received from Mr. Monroe and Mr. Pinkney, and of the several documents that accompanied it; I submit these papers to the consideration of your lordships, for the purpose of calling your attention to that passage of the note which refers to a suggestion on the part of his majesty's commissioners, on the impressment of seamen from on board of American ships. It is extremely desirable that his majesty's government should have the fullest information on this important point; and I have to request, that your lordships will be pleased to state to me, whether the representation contained in this part of the note of the American commissioners be accurate; and whether your lordships signified any such acquiescence as is there described in the implied "informal understanding, respecting the forbearance to be observed by the British cruizers, in regard to the practice of impressment of seamen on board of American vessels."

I have, &c. George Canning.

No. III.—Letter from lords Holland and Auckland to Mr. Secretary Canning, dated July 28th, 1807.

Sir; We have received the honour of your Letter with its several Inclosures, and are desirous to give the fullest information in our power respecting any part of our late negotiation with the commissioners of the United States. We have accordingly applied our attention to that passage of the Note delivered to you by Mr. Monroe and Mr. Pinkney, which states that "soon after the suspension of the negociations, it was suggested by his majesty's commissioners, that if the topic relative to Impressment should be expressly reserved for future conventional arrangement, and a pledge given to the United States for resuming the consideration of it at a convenient season, with that view; and that, if, in the mean time, such an informal understanding should be substituted, as in its practical effect would remove the vexation complained of, it might perhaps be yet possible to conduct the negotiation to a result which would not be unacceptable to the respective governments. And in pursuance of this suggestion, the British commissioners presented their official note of the 8th day of Nov. last."—It appears to us, that the several parts of this statement taken with the context, have all the accuracy and honourable and right meaning which we experienced in the whole negotiation.—When the American commissioners speak of "such an informal understanding to be substituted, as would in its practical effect remove the vexation complained of," they do not mean, and certainly his majesty's commissioners never meant, that there should be a forbearance or suspension or discontinuance of the practice and exercise of the Impressment of British seamen. On the contrary, they proceed to say that "pursuant to the suggestion of the British commissioners, the official note of the 8th of Nov. was presented." To that Note we beg leave to refer.—We considered that Note, and still consider it as pledging his majesty's government to give instructions to British cruizers, "to be very cautious in the exercise of the right of impressing British seamen, to take the strictest care to preserve the citizens of the United States from molestation or injury, and to redress any grievances which might be sustained by them."—When the negotiation proceeded after our delivery of that Note, we thought, and still think, that the treaty which we signed (omitting the point of Impressment, and several other points afterwards included in the proposed additional articles) was in itself compleat and unconditional, and subject to no reservation on either part, except that which was expressed in our second Note of the 30th of Dec. on the signature of the treaty.—If circumstances had not taken place, which made it our duty to suspend the signing of the additional articles, and which eventually discontinued the negotiation in our hands, we should have considered ourselves as bound to advert *bonâ fide* to the further pledge contained in our official note of the 8th Nov. We mean that paragraph which states, "that no recent cases of complaint have occurred (respecting the exercise of the right of Impressment), and that no probable inconvenience can result from the postponement of an article, subject to so many difficulties; still, that his majesty's commissioners are instructed to entertain the discussion of any plan that can be devised to secure the interests of both states, without any injury to rights to which they are respectively attached." The obvious sense of this paragraph, and the forms and substance of the compleated treaty, and the proposed additional articles appear to us to leave no doubt relative to the mutual understanding and views of those who were employed in a negotiation of such importance to their respective countries. We have &c. Vassal Holland.

Auckland.

No. IV.—Letter from Mr. Secretary Canning to Lords Holland and Auckland, dated August 6th, 1807.

My lords; In acknowledging the receipt of the letter which your lordships have done me the honour to address to me, in answer to mine of the 25th ult. I am sorry to have occasion to trouble your lordships with any further enquiry; but I am sure that your lordships will feel that the point most immediately in question, respecting the Impressment of British seamen from American ships, is one of such essential importance at the present moment, as to make it necessary for me to ascertain, with as much accuracy as possible, what has really passed between your lordships and the American commissioners upon this subject.—I understood the American commissioners to say, that in addition to whatever passed in writing between you, they received from your lordships an informal assurance of something that "should in its practical effect remove the grievance complained of." By "the grievance complained of," I understood the commissioners to mean the practice of Impressment itself, not any abuses of that practice.—Your lordships deny that any forbearance was promised, "in the sense of any suspension or discontinuance of the practice," and your lordships refer to your Note of the 8th of Nov. as containing the correct statement of what you communicated to the American commissioners.—The Note of the 8th of Nov. certainly promises forbearance in the practice, but not a discontinuance of the practice, of Impressment.—I am therefore under the necessity of requesting your lordships to have the goodness to state to me, whether the Note of the 8th of Nov. does, according to your lordships recollection and belief, contain the whole of what was promised or held out by your lordships to the American commissioners upon this point?—Whether whatever else passed (if any thing else did pass) in conversation, was in strict conformity to that Note; implying no further concession or forbearance on the part of Great Britain, and authorizing no further expectation on the part of the United States?—If this be so, it does appear to me that the American commissioners have misconceived the effect of your lordships communication to them; and must have represented it to their government as implying a much larger concession than was in fact in your lordships contemplation. I have, &c.

George Canning.

No. V.—Letter from Lords Holland and Auckland to Mr. Secretary Canning, dated Aug. 10th, 1807.

Sir; In answer to your letter of the 6th instant, we have the honour to repeat our former assurances that it is our desire as it is our duty, to give you every possible information respecting the negotiation with the American Commissioners, which his majesty was lately pleased to entrust to us.—As the points in which our answer to your letter of the 25th ult. has not appeared to you sufficiently clear and satisfactory, we must again refer you to our official Note of the 8th of Nov. last, as containing a full and authentic statement of what was settled between us and the American commissioners, with regard to the Impressment of British seamen from on board of American ships. That Note was delivered after many fruitless conferences, held for the purpose of devising some expedient that might reconcile the interests and pretensions of both nations on this important point. But finding after much careful consideration of the different plans proposed to us, that the difficulties which stood in the way of any final and permanent adjustment were, at that time insurmountable, we were compelled to rest satisfied with the temporary and imperfect arrangement, which our Note of the 8th of Nov. promised to afford. We certainly did not then understand, nor do we now understand, that by that Note we pledged our government to abstain in future from the practice of impressing British seamen from American merchant vessels. We certainly, however, did mean to pledge the British government to make its cruizers observe the utmost caution, moderation, and forbearance in the exercise of that practice; but we never either expressed or implied, that they were to desist from taking British seamen from American merchant ships. We farther engaged that our government would be at all times ready to take into its serious consideration any proposal made to it by the American government, for the recovery of deserters from the British navy, who take refuge in the American territory or on board of American ships, without having recourse to the means which are at present resorted to for that purpose.—Whatever passed in conversation was, we conceive, in strict conformity to that Note, and implied no farther concession nor forbearance on the part of G. Britain than extreme caution and moderation in the exercise of the right, which alone, without any discontinuance, much less renunciation of the practice, we expressed our confident hope would be sufficient to prevent such inconveniences and outrages as the American commissioners represented and contended had frequently arisen from it. We have, &c.

VASSALL HOLLAND. AUCKLAND.

No. VI.—Letter from Messrs. Monroe and Pinckney to Mr. Secretary Canning, dated Oct. 18th, 1807.

Sir; In our interview of yesterday, you requested that we would explain the ground of the opinion which is expressed in our letter of July 24—that the occasion which induced the British commissioners to present to us the Note of the 31st Dec. preceding had ceased to exist. We hasten to comply with that request, as we shall do, to give an explanation of any other passage in that letter which you may desire. We were of opinion at the time when the British commissioners presented to us that paper, that the decree of the government of France, to which it related, ought not to be considered applicable to the United States, because such a construction was plainly repugnant to the treaty subsisting between the United States and France; and likewise, because the decree might be understood to relate only to France and the dominions subject to her arms. We alluded however, in our letter of July the 24th, to circumstances which had occurred since the date of the decree, as fixing unequivocally an interpretation of it, which we at first supposed to be reasonable.—Great anxiety having been excited by a different construction, which many believe the decree to be susceptible of, the minister of the United States at Paris requested of the minister of marine, who was charged with its execution, an explanation of the sense in which it was understood by his government, who assured him, that it was not intended that it should in any degree interfere with the provisions of the treaty of 1800 between the United States and France.—We relied also upon the fact, not only that no countenance had been given by any practice or judicial decision in France to a different construction, but that the practice was in precise conformity with the view above suggested; and that in a cause in which the question had been brought into discussion, the court had sanctioned the conclusion that the treaty between the two nations was to be exactly fulfilled, and that the decree was to be so construed as not to infringe it.—We think it proper to confine ourselves to the explanation which you have desired, of the passage alluded to in our former letter, and not to enter in this communication in any other respect on the subject of the paper with which it is connected. We have, &c.

JAMES MONROE. WILLIAM PINCKNEY.

No. VII.—Letter from Mr. Secretary Canning to Messrs. Monroe and Pinckney, dated Oct. 22d, 1807.

Gentlemen; The considerations which have hitherto suspended our communication on the subject of the treaty returned from America, having ceased by the termination of the discussion between Mr. Monroe and myself, respecting the encounter between the Leopard and the Chesapeake, I have now the honour to transmit to you the answer which I have been commanded by his majesty to return to your note of the 24th July. I have, &c.

GEORGE CANNING.

No. VIII.—Note from Mr. Secretary Canning to Messrs. Monroe and Pinckney, dated Oct. 22d, 1807.

The undersigned, his majesty's principal secretary of state for foreign affairs, in returning an answer to the official note with which Messrs. Monroe and Pinckney have accompanied their communication of the copy of the treaty which has been sent back unratified from America, is commanded, in the first place, to inform the American commissioners, that his majesty cannot profess himself to be satisfied that the American government has taken any such effectual steps, with respect to the decree of France, by which the whole of his majesty's dominions are declared to be in a state of blockade, as to do away the ground of that reservation which was contained in the note delivered by his maj.'s commissioners at the time of the signature of the treaty; but that, reserving to himself the right of taking, in consequence of that decree, and of the omission of any effectual interposition, on the part of neutral nations, to obtain its revocation, such measures of retaliation as his majesty might judge expedient, it was nevertheless the desire and determination of his majesty, if that treaty had been sanctioned by the ratification of the president of the United States, to have ratified it, on his majesty's part, and to have given the fullest effect to all its stipulations.—Some of the considerations upon which the refusal of the president of the United States to ratify the treaty is founded are such as can be matter of discussion only between the American government and its commissioners; since it is not for his majesty to inquire, whether in the conduct of this negotiation the commissioners of the U. States have failed to conform themselves in any respect to the instructions of their government.—In order to determine the course which his majesty has to pursue in the present stage of the transaction, it is sufficient that the treaty was considered, by those who signed it, as a complete and perfect instrument.—No engagements were entered into, on the part of his majesty, as connected with the treaty, except such as appear upon the face of it. Whatever encouragement may have been given by his majesty's commissioners to the hope expressed by the commissioners of the United States, that discussions might thereafter be entertained with respect to impressment of British seamen for merchant vessels, must be understood to have had in view the renewal of such discussions, not as forming any part of the treaty then signed, (as the American commissioners appear to have been instructed to assume) but separately, and at some subsequent period more favourable to their successful termination.—But the alterations proposed by the president of the United States in the body of the treaty thus formerly concluded, appear to require more particular observation.—The undersigned is commanded distinctly to protest against a practice altogether unusual in the political transactions of States; by which the American government assumes to itself the privilege of revising and altering agreements concluded, and signed, on its behalf, by its agents duly authorized for that purpose; of retaining so much of those agreements as may be favourable to its own views, and of rejecting such stipulations, or such parts of stipulations, as are conceived to be not sufficiently beneficial to America.—If the American government has a right to exercise such a revision, an equal right cannot be denied to others. And it is obvious, that the adoption of such a practice by both parties to a treaty, would tend to render negotiation indefinite, and settlement hopeless; or rather to supersede altogether the practice of negotiation through authorized commissioners, and to make every article of a compact between state and state the subject of repeated reference, and of endless discussion.—The alteration of particular articles in a treaty, after the whole has been carefully adjusted and arranged, must necessarily open the whole to renewed deliberation. The demands of one party are not to be considered as absolute, and the concessions of the other as unconditional. What may have been given, on the one hand, in consideration of advantage to be derived, in return, from accompanying stipulations, might have been refused, if those stipulations had been less favourable; and must necessarily be withdrawn, if they are changed.—It cannot be admitted, that any government should hold those with whom it treats to all that has been granted by them in its favour, relaxing at the same time, on its part, the reciprocal conditions for which its own faith has been engaged; or that, after having obtained by negotiation a knowledge of the utmost extent of concession to which the other contracting party is prepared to consent in the conclusion of a treaty, it should require yet further concession, without equivalent, as the price of its ratification.—The undersigned is therefore commanded to apprize the American commissioners, that although his majesty will be all times ready to listen to any suggestions for arranging, in an amicable and advantageous manner, the respective interests of the two countries, the proposal of the president of the United States for proceeding to negotiate anew, upon the basis of a treaty already solemnly concluded and signed, is a proposal wholly inadmissible. And his majesty has therefore no option, under the present circumstances of this transaction, but to acquiesce in the refusal of the president of the United States to ratify the treaty signed on the 31st of Dec. 1806. The undersigned, &c.

George Canning.

HOUSE OF COMMONS.

Tuesday, February 16.

Mediation of Russia and Austria.] Mr. *Whitbread* rose, pursuant to notice, to move for certain Papers, which there was a necessity for having before the house, previous to the discussion which he intended to introduce on Monday se'nnight. All these papers were so obviously necessary to come to a right understanding on the subject of the propriety or impropriety of the conduct of ministers, relative to the proffered Mediation of Russia, and Austria, and he was so much at a loss to conceive any inconvenience that could result from their production, that unless he had received intimation that some of the motions would not be acceded to, he would not have thought that, in the present instance, there was any occasion whatever for his entering upon the question at all. But, as the matter stood, he should be wanting in his duty to the house and to the public, if he did not say something in support of the argument so ably maintained the other night, that publicity was the essence of the British constitution; and that parliament had a right to call for, and demand, all information which it was consistent with the public safety to give. Publicity might indeed be emphatically termed the essence of the British constitution, and to withhold important information was therefore a violation of its most essential principle.—Having said this much generally, he would now advert to the particular object which he had in view, in the motions which he was now about to submit to the house. Ministers, after the various transactions in which they had been engaged last summer, had laid upon the table notes, dispatches, and extracts of dispatches, explanatory of their conduct. These he considered deficient, and his design was to call upon them to supply the chasm which they had left. His first motion was for "Copies and Extracts of Dispatches from the secretary of state for foreign affairs to our ministers at Vienna relative to the proffered Mediation of Austria." As he understood that this was to be granted, he would say nothing further upon that point. The second, he considered as of paramount importance. It was for the "Substance of any communication made by his majesty's minister at the court of Petersburgh, to his majesty's principal secretary of state for foreign affairs, of a conversation held between the emperor of Russia and lord Hutchinson, on the 23rd of Aug. 1807, relative to the Treaty of Peace concluded by Russia, and the offer made by that power to mediate a peace between G. Britain and France."—When he had given notice of this motion on a former day, the right hon. secretary had said, that he thought it improper to lay before the house any communication of an accredited minister with a foreign sovereign. After that, he must give up in despair all hope of convincing him that this document ought to be granted. But as his colleague, the right hon. the chancellor of the exchequer, had modified that opinion, and said, that he did not go quite to the extent of the right hon. secretary, he would address himself to him, in the hope that he would not be altogether so inaccessible to the reasons which he might be able to urge for the production of these papers. But, addressing a few words, however, in the first place, to the right hon. secretary, he said, that one would think, from what the right hon. gent. had stated, that the communication of a conversation of a minister with a sovereign, was a thing which had never happened. The right hon. gent. thought that policy compelled our ministers to hold conferences with sovereigns, on account of the system to that effect introduced by the French ambassadors, with whom it was necessary that the British ambassadors should be on equality; and this he made an excuse for concealment upon the point of delicacy to these sovereigns. He spoke in high terms of the British ambassador being compelled to stand in the anti-room and witness the conduct of the French ambassador bearding the sovereign. By that the right hon. gent. meant, perhaps, to insinuate, that our ministers ought to copy the example of the French, and claim an equal privilege on that head. With this spirit he might, perhaps, think that our ministers ought not to remain at the court. Now, he would ask him, whether our ministers had been required to proceed in this manner? He believed he could not be so indiscreet as to say so. He insinuated that it was a breach of duty in an accredited minister, to mention the conversations he might have had with a sovereign. This was not the case in all circumstances; but, at any rate, the noble lord (Hutchinson) was not an accredited minister; but a most distinguished individual—a hero, in this age of European heroes—one who was renowned all over the world for his military talents, and no less celebrated for his high sense of honour, than for his skill in his profession. One who, as a private individual, maintained a communication with the emperor of Russia, with the knowledge of our accredited minister. The conversation which he held with the emperor on the 23d of Aug. was well known at the time, and had been conveyed to this country in a dispatch from lord G. L. Gower. It had, he knew, been communicated to lord G. L. Gower, with the intention of being sent to our ministers. Why, then, should it not be communicated to the house? It was already known to all, and why should the house of commons remain without the knowledge of it in a regular and authentic form. The emperor, confiding in the judgment and integrity of the distinguished individual alluded to, asked him whether, considering the situation of affairs, peace ought not to be concluded? That noble lord asserted that it ought. The emperor then said, that he had offered his mediation for a peace with England, stating, at the same time, that from what he knew, peace might be concluded on honourable terms. Was not this document necessary, in order to enable the house to form its judgment? Was there any thing indiscreet in the communication made on this subject? No—the noble lord was prevented by no obligation whatever of duty or of expediency to conceal the conversation. It was not done rashly. He knew well what ought to be concealed and what not. There were some parts of the conferences which he had not detailed, which shewed that he had weighed the matter well, and withheld what he thought it improper to disclose.—The hon. gent. then proceeded to state instances in which communications of conversations with sovereigns had been laid before the house. He mentioned, first, the confidential conversation between the first consul of France and lord Whitworth, which had been made public, in his opinion, most indiscreetly. The next instance was the communication of the public conference of lord Whitworth with Buonaparte, the publication of which he considered as manifesting a still greater indiscretion. He also adverted to the dispatch of lord Strangford, who talked of taking upon himself to forgive the peccadillo of the prince regent. Where was the delicacy of the right hon. gentleman when he published this? He might at least have spared the humbled prince this mortification. But there was a prince who was not ashamed of giving his conversations to the world—he meant the Crown Prince of Denmark, who, on Mr. Jackson's adverting to the asperity of his language, said, that no wonder if his reply was marked by asperity, when such propositions were made to him; who, on our offer of what we called advantageous terms, replied, "what will you give me as a compensation for the wounded honour of Denmark?" The ministers had been very liberal of their communications after the death of Mr. Pitt, and laid the treaties with Austria, &c. &c. on the table, together with a dispatch mentioning the sentiments of prince Charles, which, though very proper to be communicated to them, ought not to have been made public.—It might, perhaps, be said, that he went to the extent of claiming all information. But he disclaimed any such intention. Whatever it might be prejudicial to the interests of the public to produce, he did not want; but when information was refused, merely because it would be prejudicial to the interests of ministers, he would put it to the sense of the house of commons whether it ought to be withheld. It might be said that he might argue on the paper in question as a matter of notoriety. Why, so he might, but he thought it more decorous to have it in a regular way before the house. Did such a paper exist? If they said—no, he should then know what to do. If it did exist in an authentic form, the house would decide whether it ought to be refused.—On these grounds, he trusted the house would decide in favour of his motion for this paper, and that they would compel the right hon. gent. opposite to produce it. There were other papers for which he should subsequently move, and to the production of which he did not know whether any, or what extent of objection, existed on the part of his majesty's government. They were as follow: "A copy of the answer that had been made by his majesty's minister, at the court of St. Petersburgh, to the Note from gen. Budberg; dated the 30th June, 1807; or any Instructions that he had received on that subject, from his majesty's government." It was scarcely possible to suppose, that the British ambassador had not returned an answer to a Note, containing such heavy charges against the British government. If he had not, let it be said so; if he had, let the answer be produced. 2. "A copy of the dispatches from the British minister to the court of St. Petersburgh, transmitted to his majesty's principal secretary of state for foreign affairs, containing a confirmation of the assurances alluded to in the Note from lord G. L. Gower to gen. Budberg, dated Memel, 28th June, 1807, referring to a declaration made by his Imperial majesty at Tilsit, to the British ambassador, that no circumstances had occurred to weaken his attachment to Great Britain, satisfied as he was of the honour and fidelity of his Britannic majesty." 3. "A copy, or the substance of any assurances from this country, communicated to the court of St. Petersburgh after the commencement of the Russian war, with respect to any diversion on the continent by G. Britain, and particularly of the dispatches communicating the assurances alluded to in his majesty's Declaration; assurances, to which his majesty states, that his Imperial majesty had received, and acknowledged with apparent confidence and satisfaction."

Lord *G. L. Gower* was desirous of speaking to two points, mentioned by the hon. gent. The first was with regard to the answer which he was supposed to have sent to gen. Budberg's Note of the 30th of June 1807. That Note contained charges of so heavy a nature against the British government, that he had thought it his duty personally to state, with respect, but at the same with courage, such reasons as occurred to him in their justification. He had done this not merely from respect for the character of the late administration, but from the principle that, whatever party differences might exist at home, they ought not to influence the conduct of diplomatic agents at foreign courts. He had therefore put the emperor of Russia and his ministers in possession of the best defence that he could at the moment make. Subsequently, he had received from England copies of the correspondence between M. Alopeus and his right hon. friend. M. Alopeus's Note contained charges similar to those conveyed to him in the note from gen. Budberg, with this difference, that M. Alopeus entered into a detail from which gen. Budberg had abstained. To M. Alopeus's note an elaborate answer had been sent by his right hon. friend, which contained a most able defence of the conduct of his majesty's late government. At the first conference which he had had with the Russian minister for foreign affairs, after the reception of this answer, he had called his attention to its contents, but had not thought it necessary to add any thing of his own. As to any copy which he might have sent to England of the conversation enjoyed by lord Hutchinson with the emperor of Russia, the fact was this: during the period that lord Hutchinson had been with the Russian army, he was in the habits of constant and familiar intercourse with the emperor. It was therefore with great satisfaction he found that lord Hutchinson was induced, from motives of curiosity, to visit St. Petersburgh; for, knowing that that noble lord would have many more opportunities of private interviews with the emperor of Russia than he, in his official situation, could possibly expect, he flattered himself that the result might be highly advantageous to the two countries. Lord H. had communicated to him confidentially his conversation with the emperor; but certainly he did not understand that the noble lord meant this conversation to be the subject of a public dispatch. He had looked upon it as the confidential communication of a confidential conversation. He had therefore inclosed it in a private letter to his right hon. friend, not thinking it proper that the confidential conversation of the emperor of Russia with a private individual should be entered on the records of a public office.

Mr. Secretary *Canning* said, the account given by his noble friend of the circumstances connected with the two topics to which he had alluded, made it hardly necessary for him to trouble the house on these points. The argument of the hon. gent. however, who had made the motion, seemed to go to this, that a communication by a crowned head to an unaccredited agent of another country was equally proper to be produced, as if such communication had been made to an accredited agent. In this respect, he thought the hon. gent. had in some shape abandoned the motion of which he gave notice yesterday, and which stood on the Journals of the house. If, however, the hon. gent. after the statement of the noble lord had driven him from the one argument, should be inclined to maintain the other, he must contend, not only that communications made to accredited agents of this country, but even to travellers led to any foreign country by curiosity, and by them transmitted in a private letter to a person holding any official situation in this country, were proper evidence to be submitted to this house. He expressed his sorrow, that a right hon. gent. (Mr. Grenville) was not present. He might have suggested to the hon. mover the proper mode of rendering such private letter a good public and official document. He could have told him to what Board to apply for this purpose, whether to the Admiralty, Victualling, or Transport. If he could only have laid his hand on some obsolete Note, that right hon. gent. would have instructed him how to make it official: he would have put him in the proper way to intreat—

> "Oh, let my little *Note* attendant sail."—

Lord G. L. Gower had already explained, that he (Mr. C.) had, to the best of his ability, vindicated the late ministry from the charges made against them by the Russian government, and had also stated substantial reasons why neither the Note nor answer could be produced. He was convinced the hon. mover was satisfied on that head, and would not insist on the production of a paper which might do a great deal of injury, merely with a view of making his own argument a little better or a little worse. Worse, he could assure him, after all, would it undoubtedly be made, were the Note produced. By some of the hon. gent.'s other motions, he seemed to have it in view, to ascertain, whether the cause of the country, as administered by the late government, had been defended by the present government. He appeared to think, that enough had not been done by the present ministers to maintain what had been done by the late ministers. When the hon. gent. asked for any assurances of military assistance that had been communicated by his majesty's present government, in confirmation of the assurances that had been communicated by the last government, he supposed that he alluded to the discussion in that house, in which it had been stated by himself (Mr. C.) and his colleagues, that on their coming into office, they found the expectations of the allies of G. Britain of military assistance, raised to a great height, but that they found no means provided of satisfying those expectations. He now repeated, that those expectations had been stated by foreign courts, more particularly and with greater precision than the distinct assurances and instructions which he had found recorded in the foreign office, seemed to warrant. But it was well known, that with respect to assurances of this nature, much passed in personal communications, which was not transferred to paper. With some of the motions he should comply most willingly; because when the papers were produced they would show that great expectations had been entertained of British assistance, by the continental powers; they would shew that the noble lord to whose authority the gentlemen opposite were so fond of referring, and for whose authority on military subjects, and on subjects connected with his situation, he entertained the highest respect;—that lord Hutchinson had distinctly stated to the emperor of Russia and to the king of Prussia, that he knew his government intended to make a continental diversion in their favour; that he was authorised to make them the strongest assurances on this subject, although he could not particularize the point at which the diversion was to be effected. By some of the papers it would appear, that at the commencement of the late war between Prussia and France, dispatches had been sent to the courts of St. Petersburgh and Stockholm, calling loudly on those powers to make the greatest exertions, and to march an army to the assistance of Prussia. He did not mean to contend that that exhortation was a distinct and particular pledge on the part of G. Britain, but surely G. Britain had no right to require such exertions, unless she meant *bonâ fide* to imply that she would bear her share in them. After this call however, a great interval elapsed without any specific promise of assistance on our part, and the whole correspondence between Russia and G. Britain consisted of applications and reproaches from the former. The court of Petersburgh was unquestionably entitled to suppose that they would receive support from this country, either by military diversion or by pecuniary assistance; they had neither. A proposal made by Russia to negotiate in this country a loan for six millions had been refused. He did not state this as attaching blame to the late ministers, for he fairly allowed that the negotiation of such a loan must, in effect, after the experience which this country had had, be considered as entailing a great risk, if not ultimately a burden, on us. But, there was a wide difference between refusing that loan and doing nothing. We might have declined making so considerable an exertion without disappointing Russia, by leaving her altogether without help. Had we agreed to raise 4 millions, or 3 millions, or 2 millions (for which of course provision must have been made as for a subsidy), we should at least have gratified the feelings of his imperial majesty; but of such an intention on the part of the late government no trace existed in the records of the foreign office. This complete refusal was the more censurable, as no power on the continent had been so uniformly faithful to its pecuniary engagements as Russia. When the wants of the Russian army were so pressing, towards the latter end of the last campaign, lord Hutchinson, in the sound exercise of the discretion with which he was invested, had advanced the miserable sum of 30,000*l.* to relieve them from their embarrassments. Since the war between the two countries that money had been repaid. With respect to the charge brought by the Russian government against the late administration of this country, for disturbing their commerce by unnecessary detentions, the present administration had refuted it in the face of Europe, with as much anxiety and decision as if it had been preferred against themselves. Though he thought it had been sufficiently refuted, he had no objection to the laudable desire expressed by the hon. gent. of vindicating his friends by the production of papers on the subject. The hon. gent. was desirous to obtain the dispatches from this country, containing those assurances of support and co-operation, which it was stated in his majesty's declaration, that 'his imperial majesty had received and acknowledged, with apparent confidence and satisfaction.' The hon. gent. implied, that in that passage of his majesty's Declaration, a distinction was meant studiously to be taken, between the last and the present administration; and that the assurances referred to, as having given such lively satisfaction to his imperial majesty, were the assurances of the present administration alone. The hon. gent. was mistaken: the Declaration referred to the assurances communicated to Russia in March, by lord Hutchinson, from the last government, as well as to those communicated in April from the present government. How could his majesty's ministers more fairly defend the conduct of their predecessors, than by their identifying that conduct with their own? On the accusations by Russia, of our interrupting her commerce, of our withholding from her pecuniary and military aid; as those accusations were stated in the Russian Declaration, he did not see that there was any thing that would be deficient in the information, which would be produced by the hon. gent.'s motions. But, there was a specific charge brought by Russia against this country, namely, the Expedition to Alexandria, which the hon. gent.'s motions would not sufficiently elucidate. In the correspondence of his majesty's existing government with the court of St. Petersburgh (without any reference to their private opinion), that expedition had been defended against Russia, on the ground that the war with Turkey had been undertaken by this country on Russian instigation, and for Russian objects. That in the course of that expedition, it was diverted from a point where it would have been successful, to a point where it could not, was a part of the subject which could not be entered into with minuteness in his majesty's Declaration. In moving for the correspondence respecting the offer of mediation between Great Britain and France, made by Austria, the hon. gent. thought that the chasm which existed from the month of April to the month of Nov. in the official notes between prince Starhemberg and the British secretary of state, an extraordinary one. It was easily to be accounted for. The proposal of mediation was made in April, while the campaign on the continent was proceeding, and before Prussia and Austria had made a separate peace. Under those circumstances, it was cheerfully accepted by this country, subject only to the condition that we must not be expected to depart from our good faith with other powers. Mr. Adair was then at Vienna, but it was a matter of general knowledge, that when a negotiation was carrying on between two courts, that the correspondence from the court where the negotiation was carrying on, to the minister at the other court, consisted only of a transmission of the official documents; lest a cross negotiation should be produced. Lord Pembroke soon after that time, was appointed the British minister at Vienna. Had his lordship found the terms of mediation accepted by the other powers, he would have communicated that acceptance to his government at home; but his voyage and journey had been so delayed by unfavourable circumstances, that he did not arrive at Vienna, until the latter end of June. A few hours afterwards the fatal news of the battle of Friedland reached that capital; and of course no more was heard of Austrian mediation; nor had government received any other political communication of importance from the continent, until that offer (at the desire of France) which was then on the table.

Mr. *Ponsonby* felt a good deal of astonishment at the conduct of the right hon. gent. who had just sat down. His observations seemed all to be stated from the question, rather than to the question, and to have been prepared more in contemplation of an accusation against the late ministers, than to have presented themselves on the motion of his hon. friend. First, the late ministers were culpable in having held out assurances, or exciting hopes of co-operation to the continental powers. Again, they were wrong in not granting a subsidy under the description of a loan. In one point he was perfectly ready to agree with the right hon. gent. that it would be highly improper, that any communication should be made which could at all go to affect any districts, the inhabitants of which were now subject to the emperor of the French. He was certain his hon. friend would agree with him in thinking, that nothing could be so wrong as to put the French in possession of any information which could enable them to wreak their vengeance on persons in this unfortunate predicament. But, the right hon. gent. said the communications made by the emperor of Russia to lord Hutchinson cannot be produced, because they are verbal. He believed there never was an instance of a crowned head making any other but verbal communications to those who were in his confidence. Did the right hon. gent. expect that the emperor should have sent, or delivered, a dispatch to lord H.? He would wish to know, however, why the communication had been made to lord H. but that he might impart it to his government? Why it had been by him communicated to our ambassador but for the same reason? And why the ambassador had thought it of such consequence as again to communicate it to the secretary of state for foreign affairs? It was said however, that this last communication was made by a private letter. He did not ask for the private letter, but for the genuine purport of the communication. When the chief of a government, offering to us his mediation, condescended to communicate on that subject with a native of this country, and that communication was transmitted to our official servants at home, was not the house entitled to know that such mediation was not improvidently slighted? As to the right hon. gent.'s observations on a member of this house, but not now present (Mr. Grenville) that was all a joke; the observation was below him. At least it was below the house to listen to it. He, the king's minister, received from the king's ambassador, and for the people of this kingdom, a letter, the very essence and quality of which proved it to be of a public and important nature. Did the right hon. gentleman deny it was so? Did he allege that his friend lord G. L. Gower had sitten down to write him a letter of pleasure; that he had entertained him with an account of a concert or dance; that it contained an account of all the beautiful ladies of St. Petersburgh; or that it was a letter facetious and entertaining? He could say no such thing.—Would the noble lord stand up and say that it was a private correspondence by one individual, not connected with the king's service, to another individual not connected with the king's service, and on a subject not connected with the king's service? On the contrary, would he not say, that it contained communications from the emperor of Russia on the subject of his mediation between this country and France? How the letter was addressed to the right hon. gent. was of little consequence, its contents must shew whether it was in its nature public or private. He should suppose that the right hon. gent. were to be impeached for neglecting a favourable opportunity of concluding a peace, and that he should say he was indeed perfectly aware of the fact, but that he did not chuse to treat because the communication which had been made to him was of a private nature, to which he did not think himself entitled in his public capacity to attend. Would that be esteemed a sufficient vindication of his conduct? Would it not be said to him, 'It is not sufficient for you to allege that the information you had was private; you knew well it was authentic?' If lord H. was once the confidential agent of this country, and the emperor chose to send for him, and communicate his intentions to him, was it not the same as if he had done so to the accredited agent of this country for the time, and he had again made the communication to our ambassador? Was not lord H. to be entitled to the same degree of belief as if he had been the accredited agent of this country? Had the letter been in a different form, still it could have contained no more than it now did; and if these contents were important, there was no reason why the form of the letter should prevent the substance of it from coming before the house. The house had a right to know what it contained. As to the other papers connected with this subject, to the production of which the right hon. gent. said he had no objection, what would they enable the house to do, farther than just to form a conjecture of the tone, frame, and temper of mind which actuated the emperor of Russia in the mediation in question, as to which the letter alluded to would have afforded a complete proof? The right hon. gent. refused to the house the thing itself, but he granted them something else, which would enable them to form a conjecture as to what was refused them.

Mr. Secretary *Canning* rose to state his regret that the right hon. gent. who had last addressed the house, should have shewn himself totally ignorant of the question before the house. He had discussed the propriety of giving all the information required, while the question now before the house was, the propriety of granting information on the proposed Mediation of Austria alone.

Mr. *Adam* called the right hon. secretary to order; but, at the remonstrance of the Speaker, sat down.

Mr. *Ponsonby* said, he had only taken the right hon. gent. at his word. The right hon. secretary had said, nothing could be given of information to the house on the subject of Austria; he was, therefore, disinclined to attempt to fix the attention of the house on nothing—a subject on which, however, the right hon. gent. could display his abilities: he, unfortunately, never found himself so much at home.—The first motion was then agreed to.

Mr. *Whitbread* begged leave to alter his second motion, by substituting 'the Substance' for 'a Copy' of the communication from lord Hutchinson.

Mr. Secretary *Canning* opposed the motion in its amended from, because the substitution of the word 'substance' for 'copy,' in no way changed the merits of the question. He begged to be understood as putting the individual merits of lord Hutchinson wholly aside. He professed to have a high respect for the character of that noble person; but contended that the question ought to be discussed without any regard whatever to his character. When a person was delegated by the crown to represent it at a foreign court, he conceived it to be invariably meant, that the interests of the country were confided solely to this individual, and that all communications of a public nature, in as far as they tended to influence the conduct of the government at home, ought to come through this channel. If it should be argued, that the communication, for the production of which the hon. gent. had now moved, came through this channel, still he would maintain, that an ambassador at a foreign court had a discretionary power of judging what communications he should transmit to his government in a public and official shape, and what he might think proper to make in a private and confidential manner. To the latter of these descriptions, the communication alluded to by the hon. gent. belonged; and on that account he did not judge it a fit paper to be produced. If the hon. gent. imagined that this was the only instance in which accounts of conversations which certain individuals had held with the emperor of Russia, and of which his majesty's government were in possession, he was under a great mistake. He was in possession of minutes of conversations which other persons, for whom he had as much respect as for the noble lord, had held with that sovereign, and the purport of which was certainly very different [a cry of hear! hear! from the opposition bench]. The hon. gent. might refuse to rely on such conversations; but he was equally entitled to refuse his confidence in that in which they trusted; and the simple fact was, that his majesty's government did not find itself, under all the circumstances, warranted in changing the line of policy which they had adopted, and were determined to pursue, in consequence of lord H.'s communication. He deprecated extremely the present motion, not only because it was calculated for the invidious purpose of creating misunderstandings, but because he conscientiously believed that if the present motion was agreed to, it would countenance the idea that if any British traveller [loud cries of hear! hear!] happened accidentally, from affability of manners, or any other cause, to recommend himself at a foreign court, so as to have frequent opportunities of communicating in private with the prince, he might institute a cross correspondence, calculated to shake the confidence of the government of his own country in the communications which it received from its own accredited agent. He might, for example, put a possible case, which he stated simply as possible, from having read the history of former times—should a young man (he would not say connected with any party, for parties were not supposed to exist), but should a young man while abroad on his travels, happen, accidentally, to go to a foreign court while an important and *delicate* negociation was pending between that court and his own, should he insinuate himself into the confidence of that court, and in his communications with his friends at home, give information directly the reverse of that transmitted by the king's plenipotentiary, and by these means perplex the councils of ministers, and introduce confusion into the measures of government,—it would be a natural effect of that principle for which the hon. gent. contended in his present motion. It would, he contended, be recurring to the system of double diplomacy, which had been acted upon in the reign of Louis XIV. when some young man was generally sent along with the accredited representative of the sovereign to foreign courts, who insinuated himself into the confidence of the prince, the minister, or the mistress of the minister, and who was employed as a check upon the correspondence of the ambassador, a system which he was convinced the house would not be of opinion as proper to adopt, in conducting the affairs of this country.

Mr. *Ponsonby* replied, that the right hon. gent. had alledged, that the motion of his hon. friend was calculated to produce *cross* feelings [Mr. Canning said across the table, that he had applied the word cross, not to feelings, but to correspondence]; well, said Mr. P. a misunderstanding between two noble persons. This, he was sure, was an insinuation to which the house would not listen for a moment. But, was the right hon. gent. serious when he talked of putting aside the character of lord Hutchinson, and if he did this because it happened to suit his purpose, did he suppose that he would acquiesce in the attempt so to do? For this he must have the consent of two parties, and certainly he never would have his. He might wave the consideration of the noble lord's character for himself, but he should not do so for him. Nor would he admit the puerile comparison which he had thought proper to institute between that noble person, and any young man who might be abroad on his travels. The communication now moved for, was considered of sufficient importance to be transmitted by his majesty's ambassador to his government, and as it was necessary to enable the house to judge of the conduct of government, he could not see upon what grounds it could be reasonably withheld.

Dr. *Laurence* expressed his surprize, that the right hon. gent. should have represented the motion of his hon. friend, as made for the invidious purpose of creating misunderstanding, at the same time that he himself introduced an allusion into his speech to an affair which had happened many years ago, at which time inquiry was challenged into all the circumstances, and in which a gentleman was implicated, who since that time had held an official situation under his majesty's government, and from whom the right hon. gent. himself, he believed, could not withhold the tribute of his approbation. At the very time too, that he professed to discuss the question upon its general merits, he had substituted for the character of lord Hutchinson, that of a young man who was a creation of his own fancy. If the right hon. gent.'s argument had any meaning at all, it was an attempt to quibble away the constitution of his country; for he maintained, that if his doctrine of the obligation of secrecy was admitted to its full extent it would be in the power of any minister, by a private understanding with a foreign agent, to keep the public completely in the dark respecting the whole foreign relations of the empire. It would be sufficient for a foreign minister, in corresponding with the secretary of state, merely to begin his dispatch with 'dear sir,' or 'dear Canning,' entirely to defeat all inquiry. He contended, that there was no analogy whatever between the case in question, and the double diplomacy of Louis XIV. because the communication to which it referred was transmitted by the accredited agent of government; and he put the right hon. gent. in mind, that it was only now called for in consequence of the system of misrepresentation, which he had been the first to introduce into debate by reading partial extracts from documents, for the purpose of giving more effect to a brilliant speech.

Sir *T. Turton* contended that all precedents were against the production of papers relating to confidential conversations with sovereigns. He commended the resistance made by the secretary of state in the present instance. It was only by a reserve of this kind that the dispositions of sovereigns and their ministers, to hold confidential communications with us, could be preserved. He was ready to vote for the production of all papers necessary to the justification of the late ministers, from the charges preferred against them throughout the country. But he would not consent to the production of any papers, not in themselves proper to be produced and called for, only from mere party motives. He professed a great personal esteem for the noble lord, who was particularly interested in the production of the paper principally alluded to, and he therefore lamented the more, that the noble lord had disclosed as much as he had done.

Mr. *Whitbread* hoped, notwithstanding the general cry of question, that the house would permit him to make one or two observations, in reply to what had fallen from the other side. The right hon. secretary, with his usual ingenuity, had contrived to favour the house with two speeches upon the same subject; but had, whether from design or inadvertency, wholly departed in his second speech from the line of argument adopted in his first; at one time a paper called for was objected to as unofficial; and at another, the substance of that paper was refused, because the source of the intelligence was not at that time duly accredited. The right hon. gent. set out with requiring to be understood as speaking to the general principle, and then proceeded to state the particular case of Mr. Adair. This was certainly a very curious way of speaking to a general principle, without any reference to individuals. The right hon. gent. had talked a good deal on the confusion that would arise in the public business, from the consequences of a double diplomacy; and had taken great pains to impress upon the house the meaning of cross-dispatches, by the pantomimical gesture of crossing his fingers—(a laugh). He was resolved, it appeared, to take his stand by the accredited, and the accredited only. He would not look at lord Hutchinson, but the general principle; and in the same breath, the right honourable secretary, spoke of English travellers passing through any continental court, &c. How was he to understand the right honourable secretary? Did he mean to say, that lord H. was merely in an ordinary character? Was his lordship to be considered merely as one of the heedless, gay, young travellers that occasionally sojourn at a continental court; whose intelligence must have been as unimportant as his observations were superficial? It was not a trifling familiar communication of court scandal from any of the buffoons or parasites that flutter about the person of the minister, the mistress, or the crowned head, that was demanded. What he asked for was the information which the right hon. gent. in his capacity as foreign minister, received from our accredited minister at the court of Russia, ld. G. L. Gower. And what was the avowed source of that information communicated by the noble lord, to the right hon. gent.? No less a source than lord Hutchinson, who had at that time but just ceased to be an accredited minister himself. What had been the character of lord H.'s mission? Had he not the confidence of the Prussian court to such a degree, that he felt himself warranted in advancing on the part of this country, 30,000*l.* for the immediate service of the Russian army? And yet they were to be told, that his lordship was to be loooked upon, in discussing the present question, merely in the light of an ordinary English traveller; if so, he would ask the noble lord why he thought it expedient to lay such stress upon the communication made to him by lord H. as to forward it with his other dispatches to the foreign minister of this country? If he did not so forward it on account of the individual, he must have forwarded it from a just consideration of its importance. But this importance was coupled with no necessity of secrecy, or mysterious apprehension of disclosure: and why not, then, give it to the house and to the country? The question of the propriety or impropriety of ministers rejecting the proffered mediation of Russia might depend upon that information. And yet, in answer to a demand for such information, they were told forsooth, that it was most important to be sure, both in its own nature and in reference to a great question of continental policy, but that, unfortunately, though it had flowed through the customary channel of accredited agency, it had not sprung from it; for that lord H. happened not at that time to be accredited, and therefore that this information, however otherwise desirable, must be withheld, rather than the etiquette diplomatique should be violated. But, it seemed, an hon. baronet had done him the favour of imputing the present motion to party motives; the hon. baronet was rather unfortunate in his selection, for out of the nine there was not one less liable to the imputation, than that alluded to by the hon. baronet; for, it did happen that on that very question relative to the Russion offer of mediation between this country and France, he and his right hon. friends did not so entirely agree as on the other subjects. The hon. baronet had commented upon his inability to preserve the gravity of his countenance, during a certain part of his speech. He (Mr. W.) could not avoid smiling, when the hon. baronet had said that he would vote for the production of those papers which he knew ministers had already acceded to the production of; and according as ministers assented or resisted, it was not difficult to divine the vote of the hon. baronet. In a word, he asked for information; he asked for official documents of the last importance, and to the production of which no objection of secresy or confidence was set up—it was public property, and as such he demanded it. He feared that its intelligence would but serve to confirm what at a future day he should have to bring before the house, that his majesty's present ministers were guilty of a fatal error in rejecting the proffer of Russian mediation. He wished before he sat down, to ask the noble lord, whether there was not some error, probably of printing, in the dates of some of his dispatches? There were three, for instance, dated 2nd Sept. though it was evident from the tenor, that all could not have been written on the same day. There were two more dated the 9th Sept. in which the same inconsistency appeared.

Lord *G. L. Gower* said the first of the three notes now dated the 2d Sept. was written on the 1st, but by an error of the secretary dated as the others. Of the two under the date of the 9th, one was written on that day, and the other on the 19th. This date was altered in printing. The assurances alluded to in the Note of 28th June, addressed to gen. Budberg, were given in a private conference by the emperor of Russia at Tilsit, in which his Imperial majesty assured him (ld. G. L. Gower), that nothing that had happened should alter his friendly disposition and attachment to England, satisfied as he was of the fidelity and justice of the principles of his Britannic maj.—Mr. Whitbread then withdrew his first motion; the second, calling for Extracts from lord G. L. Gower's Dispatch, containing the assurances referred to in his Note to M. de Budberg, 28th June, was negatived; the one for Copies of all assurances of co-operation given to the courts of Russia and Stockholm, was acceded to, with some modification, as were all the others.

PAPERS RELATING TO MILITARY CO-OPERATION ON THE CONTINENT.] The following are Copies of the Papers presented to the house of commons in pursuance of the above motion: viz.

PAPERS.

RELATING TO MILITARY CO-OPERATION ON THE CONTINENT.

No. I.—Dispatch from visc. Howick to Ch. Stuart esq. his majesty's minister plenipotentiary at the court of St. Petersburgh, dated Downing Street, Oct. 28th, 1806.

Sir; The accounts of the unfortunate opening of the Prussian campaign have been received here. The most powerful and the most immediate succours are become indispensable for the support of that government, and if the Russian armies should not yet have moved, you will use the most pressing instances to the court of St. Petersburgh, to give orders for their advancing without a moment's delay.

HOWICK.

No. II.—Dispatch from visc. Howick to the hon. Henry Pierrepoint, his majesty's envoy extraordinary and minister plenipotentiary at the court of Stockholm, dated Downing Street, Oct. 28th, 1806.

Sir, The melancholy accounts of the first events of the war between Prussia and France, and of the unfortunate Battle of the 14th inst. have been received here. The effect of these disasters would indeed be most fatal, if it should induce the neighbouring powers from a despair of maintaining a successful resistance to the power of France, to endeavour to purchase their security by submission; a policy which the history of all countries that have pursued it, has proved never yet to have been effectual to its purpose.—The common danger which is now become so much more imminent than at any former period, has animated his majesty with an increased conviction of the necessity of using his most powerful efforts to avert it; and you will continue, in pursuance of your former Instructions, to urge the court of Stockholm to the most effectual application of all its forces in aid of the continental war, which its own security as well as the general interest now so imperiously requires.

Howick.

No. III.—Extract of a Dispatch from viscount Howick to Chas. Stuart esq. dated Downing Street, Nov. 4th, 1806.

It is indeed a matter of the deepest regret that the war between Prussia and France should have commenced under such circumstances as to preclude the co-operation and assistance of those powers who might have been disposed to join against the common enemy. Under the present uncertainty, whether the disastrous events which have attended the commencement of hostilities, may not have compelled Prussia to submit to such terms as the French may impose, nothing can be added to your former Instructions; but you will continue to give the most positive assurances to the court of St. Petersburgh of the steady determination of his majesty to resist, to the utmost of his power, all pretensions injurious to the honour of his crown, and inconsistent with the general interests of Europe. The increase of the danger will animate his majesty to increased exertions for the sake of the common cause, and dispose him more than ever, to cultivate the good understanding which so happily subsists between the king and the emperor of Russia, and which presents the only hope for the preservation of the liberties of mankind.

No. IV.—Extracts of a Dispatch from Charles Stuart esq. to visct. Howick, dated St. Petersburgh, Nov. 4th, 1806. —Received Dec. 1st.

General Budberg in the course of the conversation which took place this day, represented to me the inconvenience and the difficulty of impeding the payment of the troops stationed beyond the frontiers, as highly unfavourable to the efforts of this country, and told me that he had already consulted with the minister of finance respecting the possibility of raising a Russian loan in England to a considerable amount. His exc. requested me to state if I thought his majesty's government would be disposed to encourage and facilitate the undertaking? I replied, that although G. Britain had sufficiently proved a desire to forward every measure connected with the common cause, it was impossible for me to give a satisfactory answer, unless I knew the amount of the security, and terms upon which it is proposed to raise the sum required. Baron Budberg assured me he had hitherto so little considered the subject, that it was impossible to reply to these questions, though he begged I would mention the wish as expressed on his part, to the king's government; observing, when I mentioned the circumstances respecting the former Austrian Loan, that the present proposition differed widely from that of the court of Vienna, because it is not the intention of the emperor to demand a subsidy.

No. V.—Note from Baron Nicolay, Chargé d'Affaires from his majesty the emperor of Russia at this court, to viscount Howick, dated 5th Nov. 1806.

Baron Nicolay presents respects to lord Howick, and has the honour to transmit to to his exc. a copy of a dispatch which he has just received from his court. He acquits himself at the same time, of the order which it contains, to inform his exc. the secretary of state, "that his majesty the emperor, not having made any prohibition with regard to the commercial relations between Russia and France, each individual of the Russian nation has the right of freighting vessels for the port of France, and of importing its merchandize." —Baron Nicolay flatters himself that this new declaration, if indeed it were still necessary after the frequent communications which he has already had the honour to make to his exc. upon the same subject, will contribute to accelerate the restitution of the Russian property detained here, on account of which baron Nicolay has had the honour of addressing himself to lord Howick on the 22nd ult. He embraces this opportunity to intreat his exc. to be so good as to enable him to return an answer to his court, upon the different subjects, which he had the honour to submit to lord Howick at the same time, and particularly upon that which relates to the imperial gymnasium at Volhynia, and he is anxious to renew to his lordship the secretary of state the assurance of his most high consideration. London, 24th October (5th November,) 1806.

(Inclosure referred to in No. V.)

Sir; In pursuance of what I wrote to you on the 11th instant, respecting the claims of the merchants Glouhoff, Kelmund and company, it will be necessary for me to speak further to you on a subject, upon which I have just received instructions, and relative to which you also will equally have to explain yourself to the English government, for the purpose of removing every pretext which could be resorted to for the purpose of retarding the decision of those proceedings. The court of admiralty in London, requiring that the Russian merchants should give some proof of the trade with France having been allowed them, during the rupture between the two countries, you will represent to the British government, that his majesty the emperor not having made any prohibition with regard to this point, each individual of the Russian nation has the right of freighting vessels for the ports of France, and of importing its merchandize, especially as during the whole course of the late events the commercial relations between the two powers have not been interrupted, which is proved by the residence of the respective agents and consuls. I am, &c. A. De Budberg.

No. VI.—Note from viscount Howick to baron Nicolay, dated Downing Street, Nov. 10th, 1806.

The undersigned lost no time in referring to the king's advocate the several representations made by baron Nicolay, with respect to the Russian vessels trading to the enemy's ports, which had been detained and brought into the ports of G. Britain. The answers were only received this morning, and are transmitted herewith.—The undersigned has already, in his personal interview with baron Nicolay, explained to him the principle upon which these vessels have been detained.—By the general law of nations, all commercial intercourse between belligerent states is interdicted by the very nature and existence of war; and the property of persons engaged in such a trade is liable to confiscation, unless they have the express licence and permission of their own sovereign to cary it on. This rule has been applied hitherto by the British government equally to its own subjects, and to those of its ally, presuming that Russia would do the same; and it being uncertain whether any or what permission had been granted to the subjects of Russia to carry on a trade with the enemy, Russian ships coming from the enemy's ports have been detained by the British cruizers.—It appearing, however, from the baron de Nicolay's note of the 6th instant, that the subjects of Russia are excepted from the operation of this general principle, by the declaration, that his imperial majesty had not thought proper to interdict the commercial relations subsisting between Russia and France, and considered his subjects as authorized, under this permission, to freight vessels for the ports of France, and to bring back merchandize in return, immediate orders will be given for the release of all Russian ships which have been brought into the British ports, and which appear to have been freighted with articles of an innocent nature.—All articles of a contrary description, and particularly naval stores, the British government feels confident that it could never be the intention of the emperor of Russia to suffer his subjects, in the present war, to transport to the ports of France. In a war in which those two powers are engaged as allies, it never could be wise or just for either to suffer the enemy to be supplied with those means of offence which could only be directed against their common interests.—The undersigned, therefore, at the same time that he is commanded to express his majesty's readiness to afford all reasonable facilities to the subjects of Russia, in carrying on a trade with the enemy in innocent articles, (so long as such trade shall be continued to be sanctioned by his imperial majesty), is also instructed to request, that an express interdiction may be issued by the Russian government, against sending naval stores to the ports of the enemy, as by furnishing such supplies, the greatest injury must necessarily be occasioned to the common cause in which the two powers are so happily united.—With respect to the particular cases represented in baron Nicolay's notes of the 22 of October, the undersigned refers him to the accompanying report from the king's advocate. The undersigned, &c. Howick.

No. VII.—Extract of a Dispatch from

Charles Stuart, esq. to viscount Howick, dated St. Petersburgh, November 19th, 1806.

I have not ceased to press general Budberg to communicate to me, such details respecting the loan which it is proposed to be raised in England on account of the Russian government, as may enable his majesty's ministers early to decide whether it would be possible to comply with the wishes of the court of St. Petersburgh. In a conversation which took place yesterday his exc. informed me that he had spoken with the minister of finance, and it is calculated that six, or if possible seven millions sterling will be the amount of the sum which they desire to raise by this method; that the capital shall bear an interest of five per cent. secured in whatever manner may be deemed most eligible, though he said that the Russian customs will, he hopes, be deemed an adequate security in case the proposition should be encouraged in England.—His exc. did not state the term or the mode of repayment, but said, he would very shortly send a messenger to England with further particulars, and suggested that some person versed in financial affairs should be authorized to settle the further details with this government. Though the amount of the sum may perhaps appear considerable, I must observe that the customs offer full security for the regular payment of the interest.

No. 8.—Extract of a dispatch from Charles Stuart, esq. to visc. Howick, dated St. Petersburgh, Nov. 28th 1806. —Received Jan. 2d, 1807.

General Budberg lately told me that his imperial majesty had expressly directed him to urge the expediency of partial expeditions on the coast of France and Holland, for the purpose of distracting the attention of the enemy, and impeding the march of the French reserves.

No. 9.—Dispatch from Charles Stuart, esq. to visc. Howick, dated St. Petersburgh, Nov. 28th, 1806.—Received Jan. 2d, 1807.

My lord, I have the honour to inclose a copy of a note I received yesterday from general Budberg, upon the subject of the loan which this government purposes to raise in England, together with a copy of the answer which I thought the most suitable, as the determination which may be adopted by his majesty's ministers can be no way biassed by mere civil assurances on my part.—In addition to the particulars communicated in my dispatch, No. 55. I have since learned that to insure the repayment of the money at the end of twenty years, a Caisse d'Amortissement or sinking fund will be established, and an adequate branch of the Revenue will be set apart to accumulate as soon as the two governments shall have arranged every difficulty.—General Budberg appears desirous that this matter shall be brought to an early conclusion, and has repeatedly assured me that the remittance of specie rather than bills will be a great convenience to the Russian court. I am, &c. CH. STUART.

(First Inclosure referred to in No. 9.)

The very critical state to which the disasters of Prussia have reduced the affairs of the good cause, far from abating the energy with which his imperial majesty is resolved to maintain it, has caused him to take the resolution of employing all his efforts to check and repel that torrent, the progress of which will meet with no further obstacle on the continent, but in the power of Russia. The extraordinary expences which the vigorous measures in which his imperial majesty is engaged for the support of the present war, will impose upon him, requiring sums which cannot at this moment be drawn from the resources of Russia with that promptitude which circumstances demand, his imperial majesty has charged the undersigned to propose to his Britannick majesty's government, by means of his minister plenipotentiary, that a loan should be opened in England upon the following basis: 1st. The sum to be borrowed is six millions of pounds sterling. 2d. Of this sum one third shall delivered in gold, either in bullion or coined; another third in silver, either in bullion or coined; and the other in bills of exchange. 3d. If the British government will not undertake to convey this gold and silver to the ports of Russia, the remittance of them may be made in England to Messieurs Harman and company, bankers, accredited by the court of Russia. 4th. The account of the loan shall be kept in pounds sterling; the payment of the capital, as well as of the interest, shall be made in the same money. 5th. The term of the loan shall be fixed at twenty years, at the same time agreeing that Russia, during the first twelve years, shall have to repay as much of the capital as the balance of her commerce and the state of her revenue will enable her to discharge; and that during the last eight years, the remainder of the capital shall be reimbursed in equal portions. 6th. The interest of the sums which shall have been delivered in virtue of the loan, shall be at five per cent. per annum, and until the said loan shall have been filled up and compleated, three or four periods in the year shall be fixed upon for the payment of the interest.—It would be very desirable that the imperial treasury should receive on account of this loan an advance of one million of pounds sterling, either coined or in bullion, which may be sent as soon as possible, and before the navigation is shut up.—The undersigned, in acquitting himself of the duty with which he is charged to Mr. Stuart, flatters himself, that aware as he is of the magnitude of the interests which are to be decided by the efforts of his imperial majesty, he will appreciate the importance of the propositions just communicated to him, and that his acknowleged zeal for the interests of the good cause, and for the principles upon which the strict alliance of the two courts chiefly rests, will lead him on this occasion to concur in the views of the emperor, by making known, as soon as possible, to his government, the proposals contained in the present communication. He seizes this occasion, &c.

A. DE BUDBERG.

(Second Inclosure referred to in No. 9.)

The repeated proofs of his Britannick majesty's attachment to that cause which protects the liberties of Europe, are sufficiently notorious, to remove all doubt as to his sincere desire to concur in and even to anticipate the wishes of his only ally in the glorious struggle which the two powers continue to maintain.—The sentiments, expressed in the note of his excellency general Budberg, are perfectly analogous to the invariable principles of the British government, and unless there exist serious considerations with which the undersigned is unacquainted, he has only to perform the duty of reporting them to his government, in order to ensure a favourable result to the desires announced on the part of his imperial majesty. The undersigned, &c.

C. STUART.

No. 10.—Extract of a Dispatch from visc. Howick to the marq. of Douglas, his majesty's ambassador at the court of St. Petersburgh, dated Downing street, Dec. 4th, 1806.

This dispatch I hope will find your lordship safely arrived at St. Petersburgh, and enjoying good health after the fatigues of so long a journey at so bad a season.—Mr. Stuart's dispatches to No. 47 inclusive, with the exception of No. 43, which has not yet been received, have been laid before the king.—His majesty has seen with great satisfaction the resolution expressed by the cabinet of St. Petersburgh, in consequence of the accounts which had been received there, of the unfortunate battle of the 14th Oct. It is by such a spirit alone that the affairs of Europe can be retrieved, and your lordship will not fail to express in the most emphatic manner, the entire concurrence of his majesty in the generous sentiments entertained by his imperial ally.—These assurances I have already given to Mr. Nicolay, who has made a confidential communication to me, of the contents of the dispatches received from his court, of the same date as Mr. Stuart's.—Among other things he is instructed to invite this government to a frank and explicit communication of its views with respect to the present crisis. To this I could only answer generally, there being at this moment no question of any particular military operation, that the same opinion is entertained here as at St. Petersburgh, of the necessity of combined exertions to resist the increasing danger, and of a full and unreserved confidence on all points connected with the interests of the common cause.

No. 11.—Extract of a dispatch from Charles Stuart, esq. to visc. Howick, dated St. Petersburgh, 18th December 1806.—Received Jan. 22d, 1807.

At court this morning his imperial majesty urged in the strongest terms the expediency of a diversion on the enemy in the north of Europe, by a powerful expedition to the coasts of France or Holland.

No. 12.—Extract of a dispatch from Charles Stuart, esq. to visc. Howick, dated St. Petersburgh, 2d Jan. 1807. —Received Feb. 6th.

I did not fail to press on general Budberg, the sentiments of his majesty's government: I can however only draw from that minister a repetition of the language I formerly detailed on this subject, accompanied by a complaint that the whole of the enemy's forces are directed against Russia at a moment when Great Britain does not shew any disposition to diminish the danger, by a diversion against France and Holland.

No. 13.—Extract of a dispatch from visc. Howick to the marq. of Douglas, dated Downing Street, 13th Jan. 1807.

With respect to the loan proposed to be

raised here for the use of Russia, upon which I gave your lordship reason to expect further details, I have nothing very satisfactory to state to you. The information sent to M. Nicolay with a view to the accomplishment of this object is very insufficient, at least he professes to have received nothing more than the mere copy of the note sent to me by Mr. Stuart.—It must be obvious that this paper could not furnish that minister with the authority which was necessary in so complicated and difficult a business. In fact M. Nicolay has met with so many difficulties in his communications with the monied interest in the city, that he has found no other resource than that of applying for the guarantee of this government, without which it is stated that no loan can be raised for the use of Russia, except upon terms extremely disadvantageous to that country.—To this proposition, which is not even hinted at in the Russian note, your lordship will at once see the obvious and insurmountable objections. It is impossible that his majesty's government should make itself responsible for so large a sum as six millions, the annual taxation for the interest of which, combined with any adequate sinking fund, if it should ultimately fall on this country, would amount to little less than 500,000*l.* sterling. The examples of the Austrian loans are too recent to allow any one to doubt that a loan thus secured, must in effect be considered as a subsidy; and would be so regarded by parliament were such a proposition brought forward there.—It may indeed be said that the resources of Russia are greater than those of Austria, and her credit, from the punctuality with which former loans have been discharged, better established. But here we must remark the difference between a loan negotiated with individuals, and one borrowed, (for such would be the effect of the proposed guarantee) from another state. In the one case the hope of raising future supplies in the same way must depend on the faith which is observed in the engagements entered into respecting them. Where the debt is to fall on another power, in the event of any interruption of friendship between the two governments, and still more in the possibility, (I trust very improbable case) of an actual rupture between them, the desire of distressing an enemy may be felt more strongly than the obligations of good faith; at the same time that the violation of that principle is not so certainly productive of future disadvantage.—An individual who has no object but pecuniary profit will not again trust to promises which have been broken; but it may not unreasonably be presumed that as a government does not contract engagements of this nature, without having some political interest of its own involved in them, the recurrence of a similar interest may induce it to overlook the failure of former engagements. In addition to all this, on a general principle of national policy, it would not be wise, whatever may be our reliance on the honour, the good faith, and the steady friendship of Russia, to implicate ourselves in an arrangement, which if our present good understanding should at any time cease, might enable that power in a moment of great difficulty to throw upon us the additional burthen of so large an annual taxation, as that which I have already stated.—I have dwelt so much at length on the reasons which must operate conclusively against a compliance with this request, in order that your lordship may be fully apprized of the propriety of the determination which has been adopted, and of the necessity of its been steadily adhered to. Every facility that can be given to any use Russia can make of her own credit, in this the only remaining money market in Europe, will be afforded. In the negociation of the loan formerly raised by that power in Holland, similar difficulties were experienced, and they are understood to have been obviated by obtaining the security, for which a large price was paid, of merchants of well established credit, such as Alexander Hope and Co. of Amsterdam, and others. There seems to be no reason why a similar expedient should not be resorted to now, and if the terms should be worse than is to be wished, this is an evil which must be submitted to; nor is it reasonable that, in order to avoid this difficulty, the finances of this country should, after fourteen years of unparalleled exertion, be subjected to so great an additional burthen.—The pecuniary embarrassments of the moment, are the unavoidable result of the present unfortunate state of public affairs, and even this country itself, great as its credit and its resources are, is not altogether exempt from them.—In the course of the discussions which have taken place on this subject, it has been suggested that an additional facility might be afforded by some arrangement for better securing to the creditors the receipt of the interest in England; and an idea has occurred, that by a suppression of the customs on British merchandize imported into Russia, and the imposition of an equivalent export duty here, this might be effected; a separate account being kept of the duties so raised, and their strict application carefully provided for, by paying over the whole of them as fast as they are collected, into the hands of commissioners or trustees, who might be compelled by law faithfully to apply the whole to those purposes only, to which it would be so appropriated. Though it does not seem probable that the present plan of raising a loan will be pursued much farther, it maybe useful to make some enquiry upon this subject, with a view to any future demands of the same nature, and to throw out the idea to M. Budberg, as one which has been suggested by an extreme desire to find some mode of facilitating the object which is in view, without subjecting this country to sacrifices which cannot, in justice, be expected from her. Your lordship will therefore endeavour to obtain the most accurate information of the amount and sources of the Russian revenue, of the mode of its collection, of the amount of public debt to which it is pledged, and on what branches of the revenue the payment of such debt and the interest is secured, and particularly of the possibility of any such transfer of duties as that which I have above suggested.—The arrangement which I announced to your lordship in my last dispatch for the immediate transmission of 500,000*l.* in specie, on account of the late subsidy, has been completed. The necessary declarations were this morning exchanged between M. de Nicolay and me; and the money will be immediately shipped for Gottenburg, on board the Quebec frigate. It is to be expected that Russia may make some complaints of what may perhaps be considered as an unwillingness on the part of this government to come to her assistance. M. de Nicolay indeed, in a conversation this morning with lord Grenville and myself, threw out some hints to this effect, and even asked if it was no longer the intention of this country to make common cause with Russia? To this the answer is obvious and easy. A refusal to comply with a request unreasonable in itself and injurious to this country, ought not to give rise to any such suspicion.—Your ldp. will find no difficulty in producing abundant proofs from the king's past conduct; and you will repeat, in the strongest manner, fresh assurances of his majesty's earnest desire to contribute to the utmost of his power to the support of an ally, with whom, whether in peace or war, the king finds his own interest so closely connected; but it is not to be supposed that so great and powerful an empire as Russia can fail to find in its own resources, abundant means for its own defence. Should an inability to do this be avowed, it would leave little hope of success in a war, the whole burthen of which must then rest upon England.—His maj. has at no time shewn a backwardness to second the efforts of the continental powers; but the case is not now of an auxiliary force which this government is endeavouring to draw out for purposes of offence, and the expences of which are to be defrayed at a great distance from the resources of the power which furnishes it. —Russia, attacked on her own frontiers, is become a principal in the war, and his maj. will be ready to afford her all the succour, which in that chaarcter, she can justly claim, and which the common interests may require.—But in looking forward to a protracted contest, for which the successes, and above all the inveterate enmity of the French government, must oblige this country to provide, his majesty fells it incumbent on him to preserve as much as possible, the resources to be derived from the tried affections of his people. HOWICK.

No. 14.—Extract of a Dispatch from C. Stuart, esq. to visc. Howick, dated St. Petersburgh, Jan. 14th, 1807.—Received Feb. 27.

I must not conceal from your lordship that the apparent silence of his majesty's government respecting a military diversion on the coast of France, has not produced a favourable effect on the opinion either of the ministers or the public of this country.

No. 15.—Extract of a Dispatch from the marq. of Douglas, to visc. Howick, dated St. Petersburgh, Jan. 26th 1807.

Before I conclude, I must inform your lordship that baron Budberg complained of the situation in which Russia was now placed, being left to combat alone against France, without either support on one side or diversion on the other.

No. 16.—Extract of a dispatch from the marq. of Douglas to visc. Howick, dated St. Petersburgh, Feb. 4th, 1807.

During this interview general Budberg seized every occasion of complaining of the Russians being left without military assistance on the part of Great Britain. An attack on any part of the coast of France, or even the alarm of an attack promulgated with confidence, would tend to relieve Russia from the concentrated forces of the French army.—Was any measure of this kind to be adopted I am persuaded I should no longer hear any arguments against the ulterior guarantee; not that I omitted to remind the general that after what had been done in Italy, and what was ready to be done at Constantinople, Great Britain could never be considered as a negative co-adjutor whether in reference to the common cause or in reference to her immediate friends and allies.

No. 17.—Extract of a Dispatch from the marq. of Douglas to visc. Howick, dated St. Petersburgh, Feb. 8th, 1807.

His excellency said, that the court of Petersburgh being now abandoned to her own resources, was entitled to expect some efforts which may divert the attention of the French government, before they consent to enter into any engagement which is likely to create future differences with that power upon a subject not immediately interesting to Russia.

No. 18.—Extract of a Dispatch from the marq. of Douglas to visc. Howick, dated St. Petersburgh, Feb. 15th, 1807.—Received March 8th.

I cannot sufficiently express the extreme anxiety felt here that some expedition should be undertaken by G. Britain to divert the general concentration of the French troops from the banks of the Vistula.

No. 19.—Extract of a Note from gen. Budberg to the marq. of Douglas, dated Feb. 1st, 1807.—Transmitted by the marq. of Douglas and received March 8th.

The undersigned has already had occasion to observe to the ambassador the marquis of Douglas and Clydesdale, that partial and separate expeditions cannot influence the general operations in an impressive manner, and that a vague assurance, such as, "We shall soon see what England will do," cannot be sufficiently satisfactory in circumstances so imminently critical as the present. The emperor is therefore desirous that the British government should make known to him with the greatest possible detail, the plans which it may have in view, in order to effect a powerful diversion upon one or any of the points of the coasts subject to the enemy; and that in general it should communicate to his ministry, such views and projects, the execution of which it may judge capable of contributing to the success of the common cause. His imperial majesty thinks himself the more justified in expressing this wish, as at all times he has prescribed it as a duty to his cabinet to communicate to that of his majesty the king of Great Britain, every thing that might interest it upon this subject, and as, in point of fact, the British government has been regularly informed of all the measures which, in the course of events, have been adopted by Russia, and has been acquainted with the forces which she has employed on such points where their presence has been judged useful to the interests of the allied courts.

No. 20.—Extract of a Dispatch from visc. Howick to the marq. of Douglas, dated Downing Street, Feb. 20th 1807.

With respect to military diversions, your exc. must at once have been prepared to state to the Russian government the extreme difficulty of any maritime operations at the present season. The difficulty and danger indeed at all seasons of landing in a country such as France, where the means exist of collecting, in a short time, a much larger force than any that can be sent from this country, and from whence there can be no secure retreat, must be sufficiently apparent. All that can at present be said therefore on this head is, that if a favourable opportunity should arise, his majesty will be desirous of exerting his utmost efforts to distress the enemy upon any point which may present an advantageous opening to assist the general operations of the war.

No. 21.—Extract of a Dispatch from visc. Howick to the marq. of Douglas, dated, Downing Street, March 7th 1807.

I have nothing to add to my former dispatches (to which I beg leave to refer your excellency) with respect to the renewal of the commercial treaty, the proposal of military diversions by this country, and the suggestion of further pecuniary assistance.

No. 22.—Extract of a Dispatch from visc. Howick to the marq. of Douglas, dated Downing Street, March 10th 1807.

The messenger Vick, with your excellency's dispatches, arrived on Sunday last, and I have it in command from the king to lose no time in expressing to your excellency the lively satisfaction with which his majesty has received the account of the battle of the 8th ultimo. Your excellency will take the earliest opportunity of offering to the emperor, the king's congratulations on an event so glorious to the Russian arms, and so advantageous to the cause in which the two sovereigns are engaged.—It is painful to me to pass from this to a less pleasing topic; but I am under the necessity of expressing to your excellency the increased disappointment and regret which his majesty has experienced in learning that so many unforeseen objections are still urged against the renewal of the commercial treaty. The proposed extension of this treaty for two years, upon the conditions annexed to this proposal, is by no means satisfactory; nor does there seem to be any good reason for not coming to a definitive arrangement, which his majesty is willing to conclude without any alteration in the terms of the present treaty. Had any new proposal been made on the part of his majesty, there might have been some pretence for delay; but in a case where the interests of the two countries are so well understood, and in which experience has proved the advantage to both, of the treaty which is now about to expire, his majesty feels himself entitled, upon all the grounds of mutual interest and friendship, to renew his instances with his august ally, for an immediate compliance with so equitable a proposal. Though your excellency will urge this in the strongest terms, you will however consent to the offered extension for two years, it being understood that the advantages at present enjoyed by the British commerce are to suffer no diminution, rather than allow the treaty to expire. I cannot, however, dismiss this subject without some remark upon the manner in which this concession, as it is termed, on the part of Russia, is made to depend upon an immediate assurance of a powerful military diversion being made by this country. The insinuation conveyed in this part of the baron de Budberg's note, is so little justified by the former conduct of this government, that it cannot be passed over without notice. It is unnecessary to state the obvious tendency of such language to produce mutual discontent, and excite adverse pretensions, destructive of the harmony and confidence which ought to prevail between the two governments. In renewing your representations, therefore, upon the necessity of a speedy conclusion of this treaty, which your excellency will remark is no less advantageous to Russia than to England, you will protest against any attempt to make use of it in this manner, either as an inducement or a threat, with respect to measures with which it is wholly unconnected, and which must depend upon considerations of a totally different nature.—I have already explained to your excellency the difficulties which have hitherto prevented any attempt at military diversions. A more favourable season is now approaching; and you may assure the Russian minister, that this government is sedulously employed in preparing the means of still more active co-operation.—I hope soon to be able to communicate to your excellency something more specific on this subject; but the Russian government must be aware how much the force of which his majesty can dispose for continental operations is necessarily limited, both by the extent of his naval exertions and the necessary support of his distant colonies; and how much the difficulty of employing it advantageously is increased by the present situation of the north of Germany, where his majesty can neither look to the junction of his army with that of any ally, to any established magazines to enable to advance, nor to the possession of any considerable fortress to secure its retreat.

No. 23.—Dispatch from visc. Howick to Alex. Straton, esq. his majesty's envoy extraordinary and minister plenipotentiary at the court of Sweden, dated Downing Street, March 10th, 1807.

Sir; Your dispatches have been received and laid before the king.—Though the king of Sweden does not appear to have renewed with you the question of an additional subsidy, that subject has been pressed upon me in repeated conversations by M. Rehausen.—From the communication which that minister has made to me of the instructions he has received from his court, a good deal of dissatisfaction appears to be felt there at our supposed backwardness in assisting the exertions which the king of Sweden is willing to make.—There certainly is no ground for such an imputation. In the instructions of your predecessor you will find that he was uniformly directed to state the importance which his majesty attached to the undertaking of offensive operations on the side of Pomerania, and that he was even authorized to give assurances of pecuniary assistance from the moment the Swedish troops should have passed their own frontier: But it was added, that before any thing could be conclusively arranged, it was necessary that his

Swedish majesty should communicate generally to this government his plan of operations, and more particularly the amount of force which it might be in his power to employ.—M. de Rehausen has urged the impossibility of stating in detail all the measures which it may be necessary to arrange with a view to a future campaign. No such thing however was required. The information asked for, was only what was necessary to enable his majesty to judge of the general expediency of the measures proposed, with respect to which it is evident that no satisfactory opinion could be formed without a knowledge of the force destined to execute them, and of the time when it would be ready to act. Even further details, when they could be conveniently communicated, his majesty, considering how largely he is expected to contribute his support, would have a right to expect; and such communication would be obviously necessary to enable his majesty to direct any efforts, which on his side he might have an opportunity of making, to the advancement of the common objects of the two powers.—In order to come to a right understanding upon this point, you will, with as little delay as possible after the receipt of this dispatch, request an audience of his Swedish majesty. You will state the sincere pleasure with which his majesty has seen the king of Sweden's steady resistance to the common enemy. You will repeat the opinion already expressed on the part of this government, that a diversion by a Swedish force on the side of Pomerania, would be at the present moment of the utmost importance, and with a view to bringing the discussion to a point, you will request particular information on the three following heads:—1. What is the amount of force which the king of Sweden could employ, exclusive of the garrison of Stralsund? In addition to which information, it is desirable to know, where it is now stationed, and how soon it could be ready to act? 2. Whether any, and what addition of British troops would be required? 3. What amount of subsidy the king of Sweden would demand in proportion to the number of troops employed?—Should the Swedish government be willing to enter into this discussion, you will state upon the two first points, that it does not appear to his majesty that any effectual operation could be undertaken without a force amounting at the very least to twenty-five thousand men.—From M. de Rehausen's statements to me, it appears that the chief deficiency of the Swedish army is in cavalry. This is certainly the description of force which his majesty could best spare from his own army. If a brigade of dragoons would enable his Swedish majesty to bring into the field a force of the amount above stated, you may state that this proportion of cavalry might probably be furnished from hence.—With regard to the last point, viz. that of subsidy, you will state that his majesty will be disposed to contribute to the support of the proposed operation, by a subsidy regulated according to the proportion of that which was given to Austria in 1805; but that this proportion cannot be exceeded, except as to a sum usually furnished as a "première mise en campagne," which, as soon as the measures in contemplation shall be conclusively agreed upon, may be advanced to the amount of two, or at most three, months subsidy.—Having communicated these proposals to the king of Sweden, you will request his majesty to authorise his ministers to enter upon the immediate discussion of them; and to prevent the loss of time, you will suggest the expediency of sending to this country some confidential military officer, fully instructed upon all the points above-mentioned, who might assist Mr. de Rehausen in giving the necessary explanations, and in bringing this business to a prompt termination.—I know it is unnecessary for me to recommend to you the utmost diligence in the execution of these instructions, and in obtaining and transmitting to me the most accurate information respecting the present state and disposition of the Swedish government, and the condition and numbers of its army. HOWICK.

No. 24.—Extract of a Dispatch from lord Hutchinson addressed to visc. Howick, dated Memel, March 9th, 1807.—Received April 18th, by Mr. Secretary Canning.

I have been repeatedly pressed by the Prussian government, with whom the Russians have also co-operated, to write to your lordship on the subject of a diversion to be made by the British troops, which might occupy the French essentially, and force them to withdraw a part of their troops from this quarter. M. de Zastrow made me yesterday a formal proposition.—Marshal Mortier now blockades Stralsund with about twenty thousand men; it is therefore proposed that the British and

Swedish troops should in conjunction force them to raise that blockade, and moving on the left bank of the Oder, threaten the communications in the rear of the French army. They might besiege Stettin which is a large place with a small garrison, and in a bad state of defence; were it taken, the communication with Berlin, the Elbe, and the rest of Germany would be at once open.—If the French remain in Poland, a considerable force acting in this manner on their rear would create the most serious embarrassments, and probably force them to evacuate Poland, or at least oblige them to detach such a number of troops as would soon leave them inferior to the allies.—Should even the French occupy the line of the Oder, this diversion would be of the greatest importance, as the Russians would in that case probably march with the greater part of their army into Silesia.—This proposed operation would be attended with little danger, as the British Army would always have a retreat upon Stralsund open to them, and from thence into the Island of Rugen, from whence they might be re-embarked. Stralsund in summer, is, I believe, a very strong place.—I have informed Monsieur de Zastrow that I would undoubtedly make the proposition; that I was convinced the British government meant to make a strong diversion in favour of the allies, and was empowered to give them the strongest assurances on that subject; but that I could not exactly pledge myself as to the quarter in which it would be made. The one now proposed appeared to me to be highly advantageous, and only attended with the ordinary risques of war, as in every event the retreat of the troops employed in that service would not be an hazardous one.—Your lordship will probably receive a communication on this subject from baron Jacobi; lord Douglas has also, I understand, written to you on the subject from Petersburgh.

No. 25.—Extract of a Dispatch from the marq. of Douglas, dated Saint Petersburgh, March 19th, 1807, addressed to visc. Howick.—Received by Mr. Secretary Canning, April ———

There is reason to suppose that it has been forcibly put to the emperor by some people here, little partial to England, that Russia is abandoned by her friends; that the whole contest is left to her, and that that even her intimate ally, G. Britain, neglects to support her at a crisis when any reverse of fortune might endanger the empire itself.—It is the more painful to me that such insinuations should appear, for a moment, to be justified by fact, because I know how little they are deserved, and how different they are from those feelings that both actuate the government and the country at large. It is for his majesty's government to decide what are the objects of their present policy, and what are the means most likely to secure those objects: but I should neglect my duty if I did not observe, that should no effort be made this spring by the British troops, it is more than probable that the above observations will recur in full vigour to his imperial majesty's mind; if so, I need not point out what will be the probable result. England, I am aware may secure herself; but I am convinced that his majesty's government feels to much for the honour of the country, and the future happiness of Europe, to compromise for partial views a prospect of general and permanent welfare.

No. 26. — Extract of a Dispatch from the marquis of Douglas, dated Saint Petersburgh 22nd March (3rd April,) 1807, addressed to viscount Howick.—Received by Mr. Sec. Canning, May 13th.

The activity of England I have frequently expatiated upon; but I must not conceal from your lordship that this court, alive to the embarrassments that surround her, is determined, in spite of every argument, to consider no act as directed towards their particular support, that does not, by occupying a part of the French forces, relieve her from their concentrated attacks.

No. 27. — Extract of a Dispatch from the marquis of Douglas, dated Saint Petersburgh, April 27th, 1807; addressed to visc. Howick.—Received by Mr. Sec. Canning, June 1st.

I am thoroughly convinced of the sincere and honourable intentions of the emperor; and yet as it is impossible that I should be deaf to the murmurs that surround me, to the expectations of thousands, to the intrigues of a few, all more or less beginning to seek the same object; so I cannot without some jealousy look to the possible consequences. Should any diversion however take place on the part of G. Britain, or assisted by her troops, there is a great probability that in that case the emperor, from a point of honour, would consider himself bound to act with all possible energy.

House of Lords.

Thursday, February 18.

Orders in Council.] Lord *Grenville* alluding to the expressions contained in the Orders in Council, which stated amongst the reasons for issuing them, that the French Decree had been executed with increased rigour, said, that it was important the house should be in possession of the information on which this assertion was founded, particularly as a contrary statement was contained in the Note of the American plenipotentiaries, which was on the table, and as a contrary inference was to be deduced from those circumstances which were publicly known. He did not wish that any secret should be revealed, which it would be dangerous to disclose; but, merely that the substance of such information should be laid on the table, and which might be disclosed without any danger. He therefore moved for Copies or Extracts of all information received by government, previous to the 11th of Nov. 1807, shewing that the French government had begun to execute its Decree with increased rigour.

Lord *Hawkesbury* said, it must be obvious, that it was scarcely possible there could be any information upon this subject received from any accredited person, or in any official shape. The information received by ministers, had satisfied them with respect to the increased rigour exercised by the French government; but it might be attended with serious inconvenience and danger to many persons, if information received through the medium of commercial houses, or various other sources, was to be laid on the table of that house. It was besides, he contended, a matter of notoriety from the answers of M. Regnier, which were mentioned in all the newspapers two or three days after the 18th day of Oct. that the French Decree was then executed with increased rigour.

Earl *Grey* was surprised to hear the noble secretary of state contend, that it must be obvious it was scarcely possible to have any accredited information upon this subject. He, on the contrary, thought, that it was precisely that subject on which if there was any neutral minister remaining, or any British minister at a neutral court, it was likely to receive information from accredited persons. He had never understood, that the increased rigour of the French government was a matter of notoriety previous to issuing the Orders in Council. He could not conceive, that there could be any danger in laying the substance of the information received by ministers upon the table.

The Duke of *Montrose* opposed the motion, and observed, that it would prevent persons from giving information to government, if an example was given of laying information so obtained upon the table of the house.

Lord *Erskine* contended, that the objection of danger did not apply in this case, all that was desired being the date and substance of the information received. The term, increased rigour, implied that there had been not only a rigour, but afterwards an additional rigour, and he thought the house ought to be in possession of the substance of the information which had authorised the use of this term.

The *Lord Chancellor* contended, that communicating the date and substance, would in many instances as effectually betray the source from which such information was derived, as if the names of the parties had been given, and might be productive of great danger to individuals, and prevent government from in future receiving important information.—The house then divided—

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Norfolk,
Somerset,
Bedford,
Essex,
Carlisle,
Albemarle,
Jersey,
Spencer,
Cholmondeley,
Cowper,
St. Vincent,
Grey,
Sidmouth,
St. John,
Darnley,
King,
Somers,
Holland,
Grenville,
Auckland,
Erskine,
Moira,
Hutchinson,
Ellenborough,
Lauderdale,
Selkirk.

Proxies.

Bute,
Hereford,
Thanet,
Bulkeley,
Lucan,
Ossory,
Carnarvon,
Shaftesbury,
Blandford,
Rosslyn,
Guilford,
Buckinghamshire,
Stawell,
Mendip,
Braybrooke,
Derby,
Carysfort,
Fife,
Southampton,
Foley.

Restitution of the Danish Fleet.]—Lord *Sidmouth* desired that the clerk should read the proclamation issued by two noble lords prior to the attack upon

Copenhagen, and his majesty's Declaration. Both documents having been read accordingly, the noble lord said, that he rose to submit to their lordships the motion of which he had already given notice. The purport of that motion referred to the eventual restoration of the vessels captured at Copenhagen to Denmark; he would say, the eventual restoration, for it was possible that circumstances might arise which would render such an arrangement impracticable. It was not impossible but that Denmark might fall as much under the power of France as any of the continental states, in which case no one would think of advising the restoration of the Danish navy; for to restore it to Denmark would be to place it at the disposal of France. In the proposition which he had to make, it was far from his intention to interfere with that incontrovertible prerogative of his majesty which placed at his disposal all captures; neither was it his intention to contravene any expressed opinion of that house. Their lordships, by their vote on the first day of the session, had recognized the justice of the measure which placed the navy of Denmark in the possession of this country, and they had sanctioned and corroborated that decision by their subsequent vote, that no further papers were necessary. He was not, he would repeat, disposed to contravene these determinations. He was only acting on the principles of his majesty's Declaration; on the principles of the Proclamation issued by the two noble lords who commanded the expedition against Copenhagen; and on the principles upon which ministers justified that expedition, when he endeavoured to persuade their lordships, that the honour, the character, and the interests of this country were involved in the eventual restoration of the Danish navy. Necessity and self-protection were the grounds upon which the seizure of the fleet of Denmark was justified. The rejection of an inadmissible offer was assigned as the reason for destroying the capital of a neutral state. We offered to take the fleet in deposit—an arrangement to which the court of Denmark could not possibly listen, without compromising its honour, and exposing itself to the resentment of France. To this principle, he conceived, we were in honour bound to adhere. The offer of restoring the Danish navy upon the re-establishment of peace, was even made a fortnight after the declaration of war by the Crown Prince. But it might be argued, that that prince refused to ratify the capitulation, and that by so doing he had precluded himself from any advantages derivable from the proclamation of our commanders, or the summons previous to the commencement of the bombardment. It was certainly true, that that high-minded personage had refused to ratify the capitulation; but did it appear that he acted in any manner to impede it? We were, he would contend, bound to act upon that principle upon which we had set out, namely, that of taking the Danish navy in deposit. To this we were no less bound by honour and policy than by the strictest interpretation of the law of nations. He would, with the permission of their lordships, read to them an extract from the ablest writer on that important subject, and which, though an extract, had nothing he could assure them in it which was not warranted by the context. His lordship here read several passages from Grotius, *De Jure Belli et Pacis*, tending to support his argument. The conduct of the court of Denmark, he contended, could not be considered as hostile. The war began from us. We left the Crown Prince no alternative but that of war.—There was another reason which made him anxious that their lordships should adopt his motion at present. He had learned, that the Danish ships were ordered to be fitted out for the service of this country. He was anxious to prevent so precipitate and impolitic a measure. The ships, by what he had heard, were quite unqualified, or at least not qualified in the manner our ships were, for the wear and tear of our service. To render them so, would require an expence which could be applied, with far greater advantage, to the various ships now constructing, or under repair in our own dock-yards. But even if the Danish ships were in a state fit to proceed upon any service, he would still protest against their being employed. There was but one circumstance, the destruction of a great part of the navy of England, which would induce him to consent to our making any use of the Danish navy, with our present maritime superiority. We did not want ships. We had enough to contend with the united navies of the world. He could not perceive, therefore, the policy of fitting out this new accession to our maritime strength; but he could anticipate some probable advantages from following another course: he could devise no system of policy more likely to conciliate the Danes, and to draw them, by degrees, into that close and friendly connection with us in which they were formerly united. It would also tend to bring back the emperor of Russia to his natural connection with this country—a connection which was dissolved no less by imperious necessity, than the rash and unwarrantable attack upon the Danish capital. He also looked, he confessed, with great expectations, to the impression which a resolution of such magnanimity, justice, and consistency would make upon the nations of the continent. He could not anticipate any act of ours which could be more likely to shake that enormous influence which France had acquired over the rest of Europe. It was by arming all the nations of the continent against us, by placing them in array, by exciting their feelings against what was called our tyranny and injustice, that that man, who now wielded all the force of those nations, expected to prevail against us. The destruction of this country was the great object of his ambition: compared with this, his victories at Lodi, at Austerlitz, at Friedland, and at Auerstadt, were nothing in his estimation: to accomplish this, all his great talents, his genius, and his policy, were unceasingly directed. What more effectual mode could there be of counteracting this design, than to render the instruments by which he proposed to effect it unavailing in his hands? As long as England should preserve her ancient honour, magnanimity, and disinterestedness, it was not to be credited that the nations of the continent would zealously co-operate in any plan to destroy her.—He would no longer detain their lordships. It was not, as he stated at the commencement of his speech, his intention to interfere in the smallest degree with the exercise of the royal prerogative, or to suggest any thing calculated to lower the country in the estimation of foreign powers. His wish was, not to bind the government to any measure inconsistent with the dignity of the nation, but simply that the Danish navy should be kept in salva custodia. His lordship concluded with moving the following resolution: "That it is highly important to the honour of this country, that, under present circumstances, no measures be taken with respect to the Ships of war now in the possession of his maj. in consequence of the Capitulation of Copenhagen, which may preclude the eventual restitution of them to the government of Denmark, agreeably to the spirit of the requisition referred to in the Proclamation issued on the 16th of Aug. last by the commanders in chief of his majesty's forces by sea and land employed on that occasion, and renewed in their letter of the 1st of Sept. to the commander in chief of the land forces of his Danish majesty."*

Lord *Boringdon* could not suppress the anxiety he felt to enter his protest, as early as possible, against the resolution submitted to the house by the noble visc. He conceived that a proposition more novel in its principle, more unsuitable to the circumstances of the case, or the interest of the country, could hardly be submitted to the consideration of the house. The external enemies of the country had pledged themselves to obtain a restitution of those ships; but he now, for the first time, had the mortification of seeing within those walls, a noble peer rise up and support the arguments they had used, and in this respect aid their designs. It certainly was not within the walls of parliament that he had expected to have heard such arguments defended. It was not doing justice to the motion itself, to discuss it as if it were to be construed altogether literally, or as if the spirit of it would not go to the actual restoration of the Danish fleet; for if the house were to agree to such a resolution, it would be considered by all the world as an acknowledgment that we had acted unjustly, and a pledge that we would make a restitution as soon as it was compatible with our security. If we were now to give such an acknowledgment, it could not be supposed that foreign nations would not take advantage of it at the moment of negociation for a general peace, and it would then appear as if we had no right to refuse it. The noble viscount had considered this as a case *per se*, and that there was nothing like it in our history. He might, however, have remembered the case of the ships taken at Toulon last war, which were surrendered to us by Frenchmen in trust only, and which were promised to be restored to the king of France. The French government gave every harsh epithet to this transaction; they called it perfidy, treachery, and piracy; and at the commencement of the negociation for a peace, required that those ships should be restored to them. The British government, however, would never listen to such a proposal; and the French ceased to insist upon it. If, however, a resolution similiar to that which was now proposed had been adopted on that occasion in parliament, the French government would never have receded from its claim, and those ships must have been restored to France. The noble viscount, however, under whose auspices the treaty of Amiens was concluded (a treaty which, whatever might be now said against it, he always thought and still did think, was proper under the circumstances in which it was made)—that noble lord himself did not think at that time that there was any thing in justice, morality, or the law of nations, which required that the Toulon fleet should be restored to France. There was another case somewhat similar, which occurred in the beginning of the present war with Spain. When the four Spanish frigates were taken previous to any declaration of war, the French inveighed bitterly against this act of piracy, as they called it, and yet they never thought of making it a condition of peace, that we should restore the ships and dollars taken upon that occasion; but if, in either of those cases, a resolution had been passed in the British parliament similar to that which was now proposed, there could be no doubt but they would have demanded it, and insisted upon it. Besides, ill consequences would follow from pledging the country to restore the ships to Denmark, or in other words, to France. He must contend, that the act of seizing them was not an act of the character that had been described, but that it was an act of necessity justified by all the circumstances of the case. Denmark had, for a considerable number of years, shewn a hostile disposition towards G. Britain, and at the same time a sort of predilection for France, or at least an absolute acquiescence in every thing which that power did. This was exemplified, in their making no remonstrance when a Danish general was taken prisoner on their own frontiers; by their withdrawing their troops from the frontiers of Holstein, in obedience to the desire of France; by their submission to the Decree of Buonaparte, and in various other ways. If this predilection for France could be doubted by any noble lord, he should refer him to the very able dispatch of a noble earl (Grey) in answer to M. Rist, the Danish minister [p. 402]. That noble earl, in the strongest and best-selected terms, had complained, "that the Danish minister appeared in all things to excuse or palliate all the injuries received from France, but to exaggerate in the highest degree every complaint which Denmark could have against this country." Was this the conduct of a power really and sincerely neutral, or was it to be supposed that a feeble nation, which had such dispositions towards the two countries, would resist the demands of France after the treaty of Tilsit, and that its fleet would be safe under its own protection? If the danger was then imminent, the necessity of guarding against it was apparent; and if the measures of precaution which were necessarily taken led to hostilities, England was not to be blamed. It was to those powers, and to those circumstances which produced the necessity, that what had happened was to be attributed. He therefore most decidedly objected to the resolution proposed; first, because he thought it would be acknowledging that we had done a wrong, when in fact we had done no wrong; and, 2dly, instead of leading to a peace, he thought it would shut the door to peace, by engaging ourselves, as a preliminary, to give up that which neither justice required, nor security permitted to be given up.

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* See page 221.

Lord *Ellenborough* differed entirely from the sentiments of the noble lord who spoke last, and found himself called upon to support the motion. As to the cases referred to by the noble lord, as bearing a near analogy to the present, he must say that he did not see that analogy. He had often heard it said, that there was nothing more dissimilar than a simile, and he thought the noble lord had given an instance of the truth of that saying, by the cases which he had quoted. The case of the Spanish frigates, taken at the beginning of the war, was as unlike it as any case could be, for we had against Spain, at that time, at least reasonable ground of war. He, for another reason, never approved of the seizure of those frigates. This country had so much encouraged that particular sort of trade by licences, that he thought it unjust to seize upon as a prey, that property which was probably coming home on the faith of our implied permission.—As to the ships taken at Toulon, they were taken from a nation with whom we were at war; and although we were assisted in the capture by Frenchmen, who were adverse to the government then subsisting, yet there could be no pretence for requiring those ships to be giving back again to France, except that we entered into an agreement with Frenchmen in opposition to the then subsisting government, by which we engaged to restore the ships to Louis XVIII. when he should be restored to the throne of France. It could hardly be contended that such an agreement, either by its letter or its spirit, bound us to give back the ships to other persons than those for whom we took them in trust. The case of the capture of the Danish fleet was totally different, as it was taken not from enemies, but from neutrals. In considering the propriety of adopting the present resolution, he should argue on the ground of the necessity being completely acknowledged, although his own opinion of it was very different. If he were to decline however, stating what his opinion was of the justice and policy of the measure, he feared he should be thought to be, in some measure, coquetting with the house. He should therefore declare, that, in his opinion, there was no act that had ever been committed by the government of this country, which so much disgraced its character and stained its honour; and, as an Englishman, he felt dishonoured, whenever the national honour was tarnished. He could not avoid reprobating in severe terms the expedition to Copenhagen; it reminded him of

> The ill omened bark,
> Built in th' eclipse, and rigg'd with curses dark.

He thought the object it had in view was most unjustifiable, and that even in the success of that object, it would bring great calamity upon the country. When it was attempted to be justified on the plea of necessity, it should be recollected, that by that word was meant an urgent necessity, and not a mere predominating convenience. It appeared to him, that many persons considered it justification enough to say, that it was very convenient for the country, in this instance, to appropriate to itself that property which another, who had the right, was possessed of. This was a sort of doctrine which he was so much in the habit of reprobating at the Old Bailey and other places, that he could not avoid expressing himself with some warmth when he heard that principle urged as an ample justification to the nation, which never could be admitted among individuals. As to what was stated of hostilities afterwards taking place with Denmark, he thought that circumstance made no difference. If he were to refer to the case so often quoted, of a person being justified by necessity in pushing another off a plank into the sea, it must still be allowed that the other was equally justified in retaining possession of the plank if he could, and that his endeavouring to retain it was no act of hostility against us. It appeared to him, that the right of Denmark to a restitution of the property so taken was by no means altered by any subsequent hostilities; and that this right was so clear, that we might make up our minds to the restitution being demanded at the conclusion of peace. He therefore thought that we should keep them in such a state, as that the restitution might be made with as little expence or inconvenience as possible. He was perpared for doing justice; but he would wish in some degree to exercise a penurious justice, so that the restitution should not be more burthensome to the country than was absolutely necessary. For these reasons, he entirely coincided in the motion of his noble friend.

The *Lord Chancellor* said, that from the high respect he felt for his noble and learned friend, and from the weight his opinions always carried, he felt anxious to remove the impression which his noble and learned friend had made. The noble and learned lord had appeared to dispose in a very summary manner, both of the justice and morality of the Copenhagen expedition, and of the cases cited by his noble friend. He should however, take the liberty, on the former point, of expressing his sentiments in the same decisive tone, and say, that so far from feeling himself dishonoured, as an Englishman, by the expedition, he should have felt himself dishonoured, if, under all the circumstances of the case, he had hesitated to concur with his colleagues in advising the expedition. His noble and learned friend did, indeed, recommend a 'penurious' justice; for if indeed the expedition was unjust and dishonourable—if it stained the national character and was contrary to honesty, then, instead of keeping the ships in any particular way, and at any given expence, they ought immediately to be restored, and ample satisfaction made; but he was always ready to contend, and he believed the feelings of the great majority of the country was with him, that the national character had not been dishonoured by an act which the circumstances of the times had rendered necessary. He believed the country would feel that this great national question ought not to be decided altogether by the ordinary rules which governed the decisions at the Old Bailey; but at all events he should hope, that if his noble and learned friend was reprobating the principles before a jury at the Old Bailey, he would not forget, when he stated his opinion, to detail the evidence on which that opinion was founded. He could not agree with his noble and learned friend, that the cases referred to by a noble friend of his, were quite foreign to the present question. As to the Toulon business, unless we were entirely to throw aside the musty records of the law of nations, it would at first sight have appeared, that the French government might justly claim that restitution; for it was a rule acknowledged by all writers on the law of nations, that what was public property, belonging to a state belonged still to that nation, whatever changes might take place in its government. The capture of the Dutch prizes, in the last war, was somewhat of the same principle: we took them from the Dutch while they were under the absolute influence of France, intending and engaging to restore them when Holland should again recover her freedom. After that period, we made a treaty of peace with Holland, in which her independence was completely acknowledged, and yet there was no restitution of the prizes taken from the Dutch before a declaration of war. He mentioned those cases, to shew that the instance then before the consideration of the house, was not, as had been represented, a case *per se.* He considered that the resolution would be highly improper, as pledging the country to make restitution of what there was no pretence to restore, after the hostilities which had since taken place between this country and Denmark; and he thought it would be much more improper, as it would be an acknowledgment that we had acted improperly on an occasion, where our conduct could be strictly justified by the principles of self-preservation, by the law of nations, and the circumstances of the case.

Lord *Holland* thought it necessary to recal the attention of noble lords to what really was the true question before the house. It had been considerably misrepresented and mis-stated. The question did not, as had been apprehended by the noble and learned lord upon the woolsack, at all intrench upon or in any degree affect, the prerogative of the crown. It was, whether that house would resolve that it was expedient that the government should reserve to itself the power of restoring, eventually, the ships seized by us at Copenhagen, to the Danes. But noble lords swerved from this question, and had gone to that of the justification of the expedition itself. He certainly did think still, as he had always thought, that that expedition could not be warranted but upon the ground of necessity, and no case of necessity had been yet made out; that house, at least, was in possession of no evidence whatever to warrant them in deciding that expedition to have been the result of hard necessity. He was not inclined at present to go into any exposition of the shifting, prevaricating testimony, which had been resorted to in defence of that measure; at one time Denmark was represented as sincere in her professions of neutrality, but too weak to act up to her intentions; at another, they were told, that as her sincerity was questionable, her means of annoyance were to be feared and provided against; again, it was pretended that the sole ground of the expedition was the secret arrangements of the Treaty of Tilsit, and when it was attempted to trace their alledged information to any authentic source, Portugal was at one period brought forward as an informer; and at another the disaffected Irish. This sort of shifting naturally created suspicion in the mind of every impartial man. The noble lord then proceeded to consider the present motion in reference to the question of peace, and appealed to the feelings of noble lords, if it would not be more for the honour of the country, if they could commence a negociation, after a voluntary concession upon their parts, rather than the subsequent degradation of a forced surrender, exacted by the stipulations of a treaty?

Lord *Harrowby* defended the expedition, and opposed the resolution, which he considered would not only be dangerous to adopt, but improper in its principle. A noble and learned lord had begun by saying, that he should argue the question, as if the necessity had been proved; and yet he took occasion to reprobate both the justice and policy of the measure, in the most severe and unqualified terms. The only reason which he had assigned for departing from the line of argument which he himself had laid down, was, that he feared he might be considered as 'coquetting' with the house, if he did not let them know his entire opinion. The house might, perhaps, have excused a little of that sort of coquetting. The noble lords who entertained the same opinion that he did, might also have excused it. They might have applied to the noble and learned lord the well-known lines—

> Perhaps it was right to dissemble your love,
> But why should you kick us down stairs?

It appeared to him most undeniable, that a case of necessity was so made out, as fully justified the expedition, and the possessing ourselves of the Danish fleet; but as hostilities had since broke out between this country and Denmark, in spite of all our efforts to avert it, he did not see on what principle, or from what precedents we could be called upon to restore what we had taken from a neutral, but which was condemned as the property of an enemy after hostilities had broken out. As he therefore thought the expedition just, because it was necessary, and as he thought the ships had been fairly condemned, when the power they were taken from became an enemy, he could not support a resolution which implied that the seizure was unjust, and which would, in a manner, pledge the country to make restitution of that which he did not think we could be justly called upon to restore.

Lord *Erskine* argued at considerable length to shew the injustice and impolicy of the expedition to Copenhagen, and the expediency of agreeing to the noble visc.'s motion. He concurred with his noble and learned friend, as to the Old Bailey kind of necessity urged in its defence. And with respect to eventually retaining the fleet in our possession, it was surely impossible that we could think of doing so, after the declarations made to the Danes, in which it was expressly stated, that their fleet was required as 'a deposit' in our hands. Were we to attempt ultimately to keep them, we should act like a man, who, from the apprehension of being attacked by thieves on the road, should, for his defence, seize a fowling-piece from a neighbour, who was too weak to resist him, and afterwards point the identical weapon against its master's breast, and go out sporting with it for a whole season. His noble and learned friend had been accused of kicking his majesty's ministers down stairs in the debate. This he certainly had not done, for the former discussions on this subject had long left them at the bottom. He congratulated himself, that he had at least entered a solemn Protest against the measure adopted by his maj.'s government, and by that means had escaped the accusation of being a partner in their guilt. This country had formerly been the day-star of Europe. To her Europe had looked for an example of steady fidelity and honour, and adherence to the law of nations. If from this proud eminence of reputation, she should be hurled by the criminal conduct of his majesty's ministers, we should irrecoverably sink into the gulph of ruin and infamy, and no one would say 'God bless us.'

The Earl of *Westmoreland* opposed the motion of the noble viscount, and deprecated the conduct of that eighth wonder of the world, the last administration, who having by their weak counsels, and total inaction, placed the country in a state of the utmost peril, censured the wise and energetic measures of his majesty's present government, by which we had been rescued from the danger. The necessity for the steps which had been taken by us was notorious. His majesty, in his most gracious speech, had declared that information of that necessity had been received by him; a declaration which, constitutionally speaking, ought to have been received without hesitation. This information was of a nature that could not be communicated to parliament, but, did it follow, that the executive government were not justified in acting upon it? If the executive government were restricted from acting but on information that they could communicate to parliament, the country might soon become like the wrestler, so beautifully alluded to by Demosthenes, who, instead of defending himself from blows meditated against him, was occupied in guarding against blows already struck.

The Earl of *Selkirk* argued, that the question had not been fairly met. The motion did not go to pledge this country to the restoration of the Danish ships, but merely to keep it in our power, if circumstances should hereafter enable us to do so with safety. It must be a matter of doubt whether that situation of things would or would not arise; but to look to its probability could not imply a censure on the expedition to Copenhagen. It had been said, that the motion was only an indirect censure, and could not meet the concurrence of any, but those who reprobated the whole of our conduct towards

Denmark.—The noble earl said, that in his own individual case, he found a proof of the reverse. He considered the seizure of the Danish navy as justifiable, on the ground of the notorious interest of France to make use of that navy against this country, and the notorious incapacity of Denmark to resist her demands. The expedition had, indeed, an appearance of deviating from the usual moderation of the British government, and, on that ground, he had felt at first a repugnance to the measure. But, after a fair consideration of the arguments on both sides, he could not deny that the urgency of the case, and the necessity of our own preservation, formed a sufficient apology for the aggression. Since, however, it was only on the plea of necessity and of self preservation that we justified the harshness of our conduct towards a peaceable and unoffending state, our measures ought not to be carried farther than this necessity required. So far from being inconsistent, the very principles of the expedition should dictate the adoption of the motion. The necessity of withdrawing the navy of Denmark from the grasp of France, could not imply any necessity for employing the Danish ships in preference to our own: it was due to the national honour to shew that the conduct of this country had not been actuated by motives of rapacity, and that the conciliatory offers, made by our commanders at Copenhagen, were not mere pretexts, which we intended to disregard, as soon as we had secured our object.

Lord *Redesdale* perfectly coincided in opinion with the noble earl near him, that the present motion went to pass a censure on his majesty's ministers; and as such he could not agree to it. It had been said by a noble lord, that Denmark had been friendly towards this country. He denied the truth of this assertion. It fell to his lot to know that Denmark had not been friendly towards us. He had it on the authority of persons who resided a considerable time at the court of Copenhagen, that the Danes, so far from being friendly, had for many years past entertained hostile sentiments towards this country. They had uniformly submitted to every aggression on the part of France, while they never gave up any point to England. When almost all the other powers of Europe had confederated against France, Denmark uniformly resisted every attempt that had been made to induce her to take a part in the confederacy. When an armed neutrality was formed against this country in the North of Europe, Denmark was almost the first to take a part in it. And upon the late occasion, when we called upon her to give up the fleet as a deposit in our hands, did she not obstinately resist every overture that might lead to an accommodation? What other inference could be drawn from all this, but that Denmark was secretly favouring the views, and would not resist any demand made by France to get possession of her fleet. Under all these circumstances, the seizure of that fleet was not only justifiable, but ministers would have acted with the most criminal negligence, had they not sent an armament to seize that fleet. But as to any idea of restoring this fleet, how could it be done with persons who were in a state of open hostility with us? Was it fit to propose such a measure, at a time when the emperor of Russia was arming his fleets against us, and when the Danes themselves were leagued with France? To offer such a thing now, would be holding out beforehand those terms of accommodation, which ought only to form the subject of future negociation.

Earl *Darnley* did not think that ministers had made out a case to justify the steps they had taken. They no doubt flattered themselves that John Bull, looking no farther than the capture of 16 ships of the line, would think it a glorious achievement. But they were mistaken, and would find that the people of this country were not to be so easily deluded. He condemned the expedition *in toto*, and heartily concurred in the motion.

The Earl of *Mulgrave* begged leave to call their lordships' attention to the true state of the question. It had been stated by the noble visc. who brought forward the motion, that the measure of the Expedition to Copenhagen was out of the question; but still he had couched his motion in such a manner, as to make it neither more nor less than a direct condemnation of his majesty's ministers for their conduct with regard to that expedition. He desired the paper, or summons to surrender, No. 3, to be read, [p. 223.] which was read accordingly, and purported, that if the terms then offered were not agreed to, the conditions stipulated with respect to the fleet must cease. His lordship said, that after hearing that, he would put it to the house whether the whole argument as to the ships being taken as a deposit, and not as a capture, was not entirely at an end. With respect to the argument of the fowling-piece, used by the noble and learned lord, he thought it made directly against the motion; for the person whom his lordship stated to have the fowling-piece, attempted to defend it against his intended protector, and said, that rather than surrender it he would join with the person who attacked him; so, in like manner, the neutral who put himself under the protection of the enemy, became liable to seizure. The question of to night, he said, came at the very worst period it possibly could come. It was called on at a time when it was acknowledged, that even a restoration of peace would not do away the hatred of the Danes: at a moment when it was evident the emperor of Russia was anxious to revive the old system of the armed neutrality, which every one of their lordships might be convinced it was so much the interest of this country to resist and to destroy by every means in her power: at a moment when it had been clearly shewn, that Denmark was ready and willing to throw herself into the arms of France; and it ought to be remembered, that Denmark, by the late expedition and seizure of her fleet, had been deprived of the power of carrying her hostile intentions into effect, for she was not in a situation to replace or restore such a fleet. It had been said, by those who supported the motion, that we did not want ships but men; but on what data was this taken up? He did not think it necessary to enter into a detail on that subject, but would content himself with reminding those who used it, that the history of this country had invariably proved that men would spring forward, and have done so on all occasions when the service of their country required them so to do, but that ships were very difficult to be procured. On the contrary, the enemy did not want men, but they were in the greatest want of ships; and, therefore, depriving them of 16 sail of the line was of the utmost importance in the present state of affairs in Europe. If the arguments of the noble and learned lord were true, that 40 shipwrights could build a ship of the line in 12 months, and that from the number the ruler of France had it in his power to employ, he might obtain 100 sail of the line in a year, it was the more necessary to deprive him of all contingent assistance. The supporters of the motion did not, he said, condescend to bestow on him and his colleagues, who were poor weak men devoid of talents, the same portion of allowance they had given to others in similar circumstances. When the so-much-talked-of capital of Denmark was attacked on a former occasion, during the administration of the noble visc. in consequence of the court of Denmark having become a party to the armed neutrality, a ship had been taken. Did the noble visc. in his generosity, dignity, and magnanimity, give up that ship? No; she was taken into actual service; and the same circumstance took place respecting her, which had been so much the subject of sarcasm and censure in that house; her name was changed, and from the Holstein she was christened the Nassau. It was evident, therefore, that what was now found so much fault with in the conduct of the present ministers, had been actually the practice of their predecessors; and as he could not view this motion in any other light than a palpable and downright censure of the expedition, which had received the approbation of their lordships, he must give his decided negative to it.

Lord *Grenville* denied that the house had yet come to a decision on the merits of the expedition to Denmark; the evidence relative to which had not been laid before it. If, therefore, the house had decided, it must have decided without evidence, from which, indeed, it seemed too willing to turn aside. The unwillingness to look at, much less to examine the merits of this case, was but too glaring and general. Even its warmest advocates betrayed their feeling of its real character, by their anxiety to rescue it from investigation, and to pronounce on it without evidence. When this measure was first talked of, it was attempted to be justified by the allegation of some secret articles in the treaty of Tilsit, tantamount to a stipulation for the surrender of the Danish fleet to France; and certainly that allegation had considerable weight with his mind, as no doubt it had with that of others. But the manner in which this allegation was afterwards sustained, the successive publications which served step after step to fritter away its force, speedily led him to the opinion, that the ground upon which the supporters of the expedition professed to act was utterly untenable.—With regard to the doctrine, that the unfriendly disposition of Denmark towards this country was a justifiable cause of war, the noble lord in the most impressive terms protested against it. According to the law of nations, the noble lord contended, that there were only two legitimate causes of war, namely, the evident disposition of a state to engage in war, or the actual commencement of hostilities. But in pleading for the Danish expedition, its projectors, aware that no one adequate reason could be assigned for their conduct, seemed to look for support to the accumulation of a number of small reasons. They could not certainly maintain that the treaty of Tilsit was the cause of their attack upon Copenhagen, for to that treaty Russia was a party, towards which government they professed an amicable disposition after that attack had terminated. It had been insinuated, that in urging this point he, and those who thought with him, were pleading for the enemy, while, in point of fact, they were pleading the cause of their country, and of their king, whose name had been used to allege that which the enemy had it in his power to contradict, and to contradict with truth. For, as it was now manifest, there were no secret articles or secret arrangements at Tilsit, as had been originally stated, to justify the Danish expedition, credulity itself could no longer attend to any such statement, after the conversation which a noble friend of his had mentioned to have taken place between him and the emperor of Russia; but if these much talked of secret articles had really existed, or been seriously suspected by ministers to have an existence, it would surely have been natural to look for some allusion to them in the Declaration of our ambassador at Petersburgh, when accounting for the attack upon Denmark. He, however, did not state a word about them; on the contrary, he alledged that one gentleman had for a long time reason to suspect the intention of the enemy to take possession of the Danish fleet, for the purpose of employing it against this country.—The noble lord explained the object of the motion, which appeared to be much misunderstood by some of the noble lords on the other side. It was by no means proposed that the Danish fleet should be restored under any particular circumstances; but merely, that in order to facilitate a reconciliation, and with a view to economy also, that it should be kept in such a state as to prevent any obstructions to peace with Denmark, by enabling us to restore it with the least possible expence and difficulty.— After deprecating the principle, that a state of war should cancel moral obligations, or that we should shrink from doing justice lest it should lead to loss, the noble lord proceeded to comment upon the consequences likely to result to us from the nature of our attack upon Copenhagen. So far from destroying the naval resources of Denmark by that attack, we had, he contended, particularly by the spirit we had produced, contributed to promote and extend those resources. Denmark could easily repair the loss she sustained by the captures we had made. The ports and arsenals were still remaining, with a vast quantity of naval materials, which naturally belonged to her; and any supply she wanted, she could obtain without difficulty. We were not, therefore, to suppose that we had, by the success of our unjust attack upon Denmark, rendered the naval resources of that state much less formidable than they were before. The profit derivable from our iniquity was, in fact, immaterial, while we had created a spirit, and valour, and animosity to fight against us, which must furnish powerful aid to the common enemy.—The noble lord concluded with expressing his cordial concurrence in the principle and object of the motion.

Lord *Hawkesbury* said, he would not, at that late hour, trespass long on their lordships' time, but begged their attention, while he made a few observations, by way of very shortly giving his negative to the motion. The argument of the noble lord who spoke last appeared to him to be involved in great confusion; but he wished to recal their lordships' attention to the true state of the question; and he thought, when he did so, it would appear that it was neither more nor less than that, under a pretence of restoring the Danish fleet, the motion went directly to censure the conduct of ministers, in the expedition to Copenhagen, of which their lordships had already expressed their approbation. If we were obliged to act against a power as we had been against Denmark, could any such procedure be carried on with more caution than that whole transaction had been attended with? We made them every offer to conciliation that could be devised before the army landed, and met not only with a refusal to enter into a negotiation, but this refusal was repeated after the army landed; and even just before the bombardment commenced, the same offers at negotiation were again made and again rejected; and they not only refused the very conciliatory terms that were offered them, but even declared that they would make common cause with our enemy. If they had shewn any disposition to negotiate or to keep on amicable terms with this country, there might be some ground for the present motion; but having acted in the very manner they had done, they certainly had forfeited all claim to such treatment as was intended to be held out to them. In this view of the matter, he thought the motion was extremely ill-timed, and that it ought to be resisted. A case had already been made out, which, in the face of parliament, and of the world, would justify ministers, who, in this, as in the instance of Portugal, had rescued the country from an impending and most imminent danger.

Lord *Sidmouth* replied with considerable animation. He felt gratified at the discussion which the resolution had called forth, although he must say that it had experienced, from the noble lords who opposed it, a good deal of misrepresentation. He contended, that the analogy attempted with respect to the Toulon fleet, and the capture of the Spanish ships, did not at all apply to the case of Copenhagen. In the former instances, circumstances of hostility had taken place sufficient to justify a declaration, but the attack against Copenhagen had the two characteristics of surprize and spoliation committed on a neutral, independent, and friendly power. Madeira had also been alluded to, but it was out of all fair and legitimate comparison to make any such resemblance. The conduct of G. Britain, on that occasion, was that of a friendly power extending its protection to a weak but friendly nation in the hour of impending distress. In what fell from the noble secretary, there was nothing to convince his mind. His arguments alone went to say, that, because this country had commenced a career of injustice, therefore it ought to persevere in it. He felt the converse of the proposition, as due to the hitherto proud character of G. Britain, and with such an impression he alone came forward, unbiassed by any party hostility to his majesty's servants, to perform the duty he owed to himself and his country.—The motion being loudly called for, the house divided; when there appeared—

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HOUSE OF COMMONS.

Thursday, February 18.

Petition respecting the Cold-Bath-Fields Prison.] Mr. *Sheridan* rose to present a Petition upon a subject which he should recommend to the serious attention of the house, and of his majesty's ministers. The subject was not new to that house, for in the year 1800 he had taken a considerable share, with a worthy and hon. baronet (sir F. Burdett) whom he did not then see in his place, in the inquiries which had been made into the management of the Coldbath-fields Prison, and which brought the abuses in the government of that prison under the consideration of parliament. They had, on that occasion, established the case so clearly, that the distinguished person now no more, (Mr. Pitt,) who was then at the head of his majesty's government, was obliged to give way, and consent to a full investigation of the whole transaction. Accordingly a commission was issued under his majesty's sign manual, appointing commissioners, most of them members of that house, to prosecute the inquiry; and a report was made, which entered very much into the detail of the subject. But unquestionably the defect or error of that report was not, that it exaggerated the abuses complained of in the interior administration of the government of the prison. He found, however, that the means recommended in the report, for the redress of the abuses complained of, had not been carried into effect, nay, had been abandoned, and he very much feared, that the abuses had increased in consequence. The allegations contained in the petition, he had not felt it necessary to enquire into, previous to his presenting it to the house, because he had received the Petition from such a respectable quarter, and upon such high authority, that he could not entertain any just doubts of the correctness of the statements it contained. The Petition was signed by Mr. Stevens, foreman, and by the other members of the grand jury of the county of Middlesex, as well as by Mr. Phillips, one of the sheriffs, a gentleman, who, infinitely to his credit, applied himself, with the most laudable zeal, to the execution of all the duties of his arduous office. He could assure the right hon. the chancellor of the exchequer, that this matter was not brought before parliament by him with any party views, nor had the petitioners any such object in their contemplation. On the contrary, it had been his practice, on every occasion when he had a petition to present, praying for a redress of grievances, to submit the subject to the consideration of his majesty's ministers, whenever the redress could be effectually administered by them, rather than bring the matter forward publicly in parliament. This course had been followed in the present instance. A communication had been made to his majesty's government by the foreman of the grand jury, in an interview which he had with one of his majesty's ministers. As no steps had since been taken in consequence of such communication, he had thought it his duty to present the petition to parliament. But, he should, for the present, content himself with moving, that the petition do lie on the table, leaving the whole credit of the business to his majesty's ministers, if they should think proper to take it up, though at the same time he was bound to state, that if, after a reasonable time, no step should appear to have been taken, he should think it his duty to bring forward the subject by a specific motion.

The *Chancellor of the Exchequer* did not mean to give any opposition to the bringing up this Petition, though after the statement of the right hon. gent. he felt called upon to make one or two observations. He agreed with the right hon. gent. that when questions of this description arose, the proper course to take was, to see at first how far the executive government might be disposed to interfere for the redress of the abuses complained of. An appeal to the government was, therefore, the most correct proceeding in the first instance, because it was competent to the executive to direct a thorough investigation into the matters complained of, and if the circumstances of the case should be such as to warrant the proceeding, to order a criminal prosecution against the offending parties. This was the view which he had of the subject, and the right hon. gent. himself seemed to acquiesce in it. The communication that had been made to government was conveyed in a private form, which could not regularly be acted upon, and he had, in consequence, recommended that the matter should be officially communicated to the executive; in which case, he pledged himself, that so far as he was individually concerned, no time should be lost, nor any means left untried to ascertain the justice of the complaint. He had thought this a course far preferable to bringing the subject at once before parliament; because whatever prosecutions the executive might find it necessary to order, upon an investigation of the matter, must come before the grand jury, who would of course come to the consideration of the charge, with less prejudice upon their minds. After he had recommended this mode of proceeding, and upon the grounds he had stated, the petitioners, whether from a just or an unjust distrust of the government, had thought proper to bring the matter publicly before parliament. Though the presentment, it appeared had been made at the Michaelmas Sessions, it was not till after the commencement of the present session of parliament that the matter had been communicated to government. An inquiry too had been made by the magistrates, which, though he could not say whether the result of that inquiry was right or wrong, seemed, from the silence of the parties, a satisfactory answer to the complaint, and therefore no farther steps had been taken till the present time, It had even been inferred, from their not having made the official communication recommended, that the gentlemen themselves, who preferred the complaint, were satisfied with the result of that inquiry. He was sure the right hon. gent. would concur with him, that it would have been much better to have left the business, in the first instance, to the executive government; but now that the Petition had been brought forward, he had no objection to its lying on the table.

Mr. *Sheridan* observed, that the petitioners had not shewn any unfair distrust of government, remembering as they did that no efficient measures of redress had been adopted, founded on the report of 1800, and because there could be no efficient redress without the dismissal of Mr. Aris. As to an official communication, it was impossible for the petitioners to make it, because the grand jury had been dissolved previous to the communication. It was as private individuals that they appeared as petitioners before parliament, and not in any aggregate capacity.

The *Chancellor of the Exchequer* repeated, that the only communication made to government was of a private nature, and, consequently, was not a sufficient ground for a public proceeding. As to the report of 1800, he had only to observe, that it had been laid on the table of the house, and might have been made the foundation of parliamentary measures by any hon. member who might have thought such a course necessary.—The Petition was then brought up and read.—After which Mr.

Sheridan moved, that it do lie on the table, at the same time stating, that many more facts had since came to the knowledge of the petitioners, which however, he should on that occasion abstain from detailing to the house.—A short conversation then took place, as to the propriety of allowing the petition to lie on the table, with a description of the petitioners that was not borne out by the fact. Mr. Sumner first took the exception, on this ground, as even the right hon. gent. himself had admitted, that the grand jury had been dissolved previous to the inquiry, and certainly, before the presenting of the petition. Without any wish to oppose the petition, he thought the house could not entertain it, with such an unfounded designation of the parties who presented it. The Chancellor of the Exchequer recommended to the right hon. gent. on this ground, to withdraw the petition for the present, in order to have one prepared to present to-morrow, with the proper designation of the parties, in which case he should himself be ready to second the motion, that the petition should lie on the table. After a few words from Mr. Sheridan, who thought that the house ought not to be too critical as to the wording of petitions, the petition was allowed to be withdrawn, in order that it might be prepared to be presented to-morrow in a more correct form.

[Orders in Council Bill.] On the order of the day being moved for the 2d reading of the Orders in Council bill,

Mr. *Eden* said, that he could not allow this bill to go through another stage without declaring his sentiments upon it. He thought that our retaliation upon our enemies ought to be conducted in such a manner as not to injure unoffending neutrals. He was of opinion that the note delivered to the American negociators on the 31st of Dec. 1806, was still binding on the government of this country, as there was no appearance that America had submitted to the controul which the French government had attempted to impose on the commerce of neutrals with Britain. On the contrary, there was ample evidence that America had remonstrated against the French decree, and had obtained an exemption from its operation according to the explanation given by the French minister of marine, Decrés. To impose a tax upon neutrals was illegal by the law of nations, and by the statute law also. The measure would do no injury to France, but it would grievously injure those who were entitled to our forbearance, and as far as could be to our protection.

The *Advocate-General* then rose and spoke nearly as follow: Sir, the house will naturally expect I should lay before them my opinion upon the subject of this bill, and the grounds of that opinion, upon this occasion. In doing this, it is necessary for me to look to the policy and the legality of the present measure, both of which have been charged against it by the hon. member who has just now set down. In taking a comprehensive view of this matter, I am afraid it will be necessary to trace back some of the circumstances which led generally to its adoption, because we must not consider a measure like this detached from the circumstances which preceded or accompanied it. Its policy and legality can only be fairly appreciated by such a consideration of the circumstances out of which it arose. It is evident then, that the Decree of the French government, of the 21st of Nov. 1806, is the foundation of the present proceeding. That decree purported to declare the British isles in a state of blockade, and to prohibit all commerce whatever, even with neutral nations, in the manufactures of this country. The effect of that decree was to exclude us from all foreign powers whatever; and to prevent them not only from carrying on their accustomed trade with this country, but even to exclude the possibility of one neutral nation trading with safety to another. An American vessel trading from one neutral port to another, was subject to be seized by that Decree of the French government.—Sir, it has been said, that we have misconstrued this Decree, and that it does not in effect blockade this country. In regard to its prohibiting the carriage of our produce or manufactures, there can be no doubt; but it has been alleged that there could have been some other mode of avoiding its consequences. In my opinion, I do not see any great difference whether the threatened blockade was included in it or not; for if foreign ships had only been allowed to come to this country with their foreign produce, and not enabled to take away our goods in return, that surely amounted very nearly to a similar blockading declaration. I cannot but be surprised that any person can read this French Decree, and doubt its construction. The very preamble of it recites what has been done by this country; but it must be admitted that these imputations are groundless and false. It states that this country had blockaded various ports against neutrals, and argues the necessity of retaliation, and of declaring the British isles in a state of blockade. The fact, however, is falsely assumed, that this country ever declared any port in a state of blockade, without previously investing that port. I shall do the late government of this country the justice to say that when they blockaded any of the enemy's ports, they anxiously inquired whether those ports had been in the first place regularly invested. The French government, in their decree, avowed their intention of retaliation, without previously investing our ports, and therefore all the consequences of that blockade must be presumed to follow that declaration. It goes on through six articles, and then states, that any vessel coming from the British ports with British goods, shall not be admitted into any port of that country, meaning France itself. Now there does seem something of an inconsistency between this article, and the first one in that Decree; the one, in a certain degree, doing away the effect of the other. It might, indeed, be doubted whether this was not done on purpose that no vessel should be admitted direct from our ports to those of France, till they touched at some intermediate one. It surely, at least, would bear such a construction: but still the previous part of it justified us in a contrary conclusion. That Decree of the French government avowed itself to mean a retaliation for an imaginary offence; and what, then, became the duty of this country, and other countries, in consequence of this outrageous measure? It surely became their duty to render such a mode of unaccustomed warfare to be retaliated and retorted upon the enemy. It was our duty to do this with as much forbearance as possible against other countries. Although it be a just principle in the law of nations that other countries must naturally suffer, in a certain degree, by the measures adopted, by belligerent powers; yet it is surely the duty of each to render that suffering as little injurious as possible. I certainly must justify the forbearance of the former ministry; but in doing so, I think it cannot be argued that if their measure was found insufficient for the purposes intended, others more vigorous should not be adopted, in order to remove those inconveniences this country was likely to undergo in consequence of French measures. What, then followed the measure of the last government, dated the 7th of Jan.? Did neutral nations interpose? Did the three nations whom the French Decrees materially affected interpose, in order to get them removed? Did Denmark, Portugal, or America interpose? I have not understood that any of these powers did endeavour to do so. On the contrary, I think we have a pretty strong Note now laid before the house, which was presented by the Danish government, complaining of the injustice of the Decree issued by G. Britain, but no inclination was evinced to revoke the previous Decree of France, nor intimating any sense of the forbearance of this country. That Note I think seems to be sounding pretty much of an Armed Neutrality, the favourite measure which Denmark has all along been aiming at; a measure on a principle which, once adopted and carried into effect, so as to increase the maritime power of the nations on the continent, must put an end to the maritime power of G. Britain. Such has all along been the disposition of Denmark. As to Portugal, such was the unfortunate situation of that country, that with every disposition to do justice to her allies, it could not be supposed that she could venture to interfere to procure a revocation of the French Decree, when she was obviously under the necessity of endeavouring to purchase her own neutrality. So far from her being able to do so, it was well known that the port of Lisbon was made the *entrepôt* for violating the Decree we issued upon the 7th of Jan. and breaking through the prohibition of trading from one port to another. The country from which we had reason to expect the effectual interposition, was the United States of America. Upon a former occasion that country attempted what it was called upon to do, at least so far as respected its own honour. It may be in the recollection of the house, that there was a Decree somewhat similar to the present one issued by the French government in the beginning of Jan. 1798, when that decree was noticed in the President's speech, as most injurious to America, and stated to be a measure that could not be suffered to exist, without violating the independence of their country. That speech strongly showed what were then the feelings and the intentions of the United States upon this subject. It showed that it was then deemed to be an unjust attack against neutral rights, and that they owned that nothing but a thorough resistance to it could rescue them from its pernicious effects. Such was the sense of America upon the Decree of 1798. What, now, has been the sense of America upon the Decree of 1806? We have a right to look to that Government for the same sort of conduct upon that subject, when there was the same sort of Decree issued by France, with the addition of declaring the British Isles in a state of blockade. Was it too much to expect of America, that on being informed of that Decree, she should consider it as a measure issued totally regardless of her rights and independence? Was it too much to expect that she would make a firm resistance to oppose its consequences? We shall suppose, then, that America did actually interpose, and the question must come to this, was it done in such a manner as to satisfy her honour and her interest as connected with G. Britain? As it was a measure of warfare against this country, was it not tending to affect America remotely? She owed her interposition, undoubtedly, not only for her own honour but for her interest, and those duties she should have observed towards the belligerent power that was thus attacked, and with whom she was in perfect amity. It has been asked, upon a former occasion, in order to shew the illegality of our measures, has this French Decree been at all enforced in France? But I apprehend the question ought to be—has the measure been revoked by France? Are we to resort to the ministers of France for the purpose of knowing whether they can exercise their own Decree or not? After the discussion that has already taken place upon the subject of M. Decres' Letter, can any body consider that it contains that sort of revocation that ought to have satisfied America? Has there been any Decree declaring that America was excepted out of the Order of the 21st of Nov.? If France chose to give a doubtful and prevaricating answer to America, was that to assure America that her commerce would be free from interruption? Did not the tenor and the maxim still continue? Were not her vessels, as well as those of other countries, obliged to pay higher insurance, in consequence of that Decree still existing? Undoubtedly it must be conceded that a private assurance of this sort ought not to have been considered any thing upon which America could rest satisfied. But, even let it be granted, that there had been a public assurance to America that she alone was to be exempted from its influence, would that have been a sufficient ground for us not to look further to our interest? What! because France chooses to except America from her injurious decrees, are we to consent to their continuance? If France thinks proper to violate the territories of several neutral powers and not to act in a similar manner towards another neutral, does it follow that those other nations are to submit and endure a misconstruction of her conduct? Such, then, is the construction that can be put upon her conduct by the law of nations, which is the principle of natural justice, honestly and *bona fide* employed. It is not by manœuvre and management of this sort that we are to be bound to make the same exception in our conduct towards France, that she may be pleased to make towards America, by that private assurance, if it may be so called, that passed through M. Decres.—What took place upon the 17th or 19th of Feb.? The Spanish Decree was then issued, and it may be looked upon as the act of France. Was there any exception in favour of America? If it was to be understood that America was excepted out of the Decree of the 21st of Nov. is it to be supposed that in that subsequent decree we should not have had some notice of that exception? This, surely, was a pretty strong proof that America was never intended to have been exempted. Did not the capture of the ship Sanson, by the Spanish officers, evince what was their understanding of the blockade of England? She was taken upon the sole ground of her violating that blockading decree. Now, let us go on to another point that will yet further elucidate the nature of that Decree. I allude to the Treaty of Tilsit. France now had consumated partly her object; Russia and Prussia had made their peace with France and were become neutrals; but do they call for a revocation of that Decree? No; they are converted into the allies of France; and can any one doubt that it was part of the system of that Treaty, that Denmark, Russia, and Prussia, were all to be condemned to comply with the confederacy? France now had accomplished what she deemed a grand object towards excluding the commerce of G. Britain from all the continental ports. What was the answer of Buonaparte himself, as to America? He expressly disavows any intention of excluding her from his measures, even when he began to feel that the blockade of this country might tend to retort upon him the evil of his own injustice. Now, let us look a little into the situation of this country and Europe, as affected by the Treaty of Tilsit, in the latter part of Oct. or beginning of Nov. last, when these Orders in Council were issued. The fact was, that with regard to England, she was excluded from every port of Europe, except the island of Sicily. Her produce and manufactures were completely interdicted. Yet, it has been stated, that these Orders have been the ruin of our commerce. Look at our situation without these Orders, and then let us consider the question. Not a port was open at the period they were issued. The continental market of Europe was completely shut against us. But then it is said, that those vigorous measures of the French government would not have been carried into execution, had not our Orders been adopted. Now, I answer to this, that we have not read a single news-paper, for many months back, that did not bring us accounts of fresh measures being taken for the rigorous and strict observance of that original decree. Besides this, let us look to the probability of the fact. It might very probably have been the case, had France continued at war with some of the other continental powers, that she would, from necessity, have softened the rigour of her Decree, and connived at neutrals introducing British commodities upon the continent; but, when Buonaparte has consummated his grand scheme for the destruction of our maritime power, can any person believe, that he would any longer have suffered this connivance? Would he not have done every thing to forward his grand object of excommunicating G. Britain from the society of nations? We have only to refer to the newspapers of the month of Oct. to find, that at the very moment when Buonaparte restores to their legitimate sovereigns the districts of Mechlenburg and Oldenburg, it is upon the express condition that they shall exclude British commerce. If this, then, was the case, what was the situation of this country? We might send our manufactures for the consumption of our colonies, and in return we could bring home our colonial produce, but there our commerce ended. Not one article of British manufacture could find its way to the continent of Europe. Will any person say, that this situation would not be the destruction of the resources of this country: We could have nothing to do, but either to attempt to force open the door to the continental market, or submit to those terms of peace which France was willing to impose upon us. If France had the means of obtaining from other sources those articles of which she stood in need, is it at all probable that she would ever have consented to admit our produce? When France is deprived of those articles, is it not natural to suppose that she will become the violator of her own prohibitions? Will she not then be induced to receive our commerce into her territories? Is there any chance of her doing this, if she could be supplied by other means? It is true, that before these Orders in Council were issued, there was a considerable degree of benefit, in my opinion, derived by the effect of the Order of the 7th of Jan. That Order pressed very considerably upon the continent of Europe; and the more so as the powers gradually came under the dominion and controul of France, as there was then no neutral intermediate power through which they could violate those Orders. We must be aware, however, that the coasting trade of Europe was necessarily open to very considerable evasion, by stealing along their shores in small vessels; and besides, that there were means of communication through the great rivers of Europe, by which with considerable inconvenience to themselves, they might be supplied with the various products of the continents. But with respect to the foreign commerce, they were actually under no inconvenience whatever, notwithstanding all our boasted maritime superiority. Our enemies had, in fact, better opportunities for procuring foreign commerce, than if they had employed a great maritime force to protect their trade. This may, indeed, appear paradoxical, but the truth is, that by means of neutral vessels they could bring home, not only all the produce of their islands, but even the produce of America, as securely as if they had not been in a state of warfare: under neutral names they enjoyed a complete supply of all the products from the various quarters of the world. They collected the duties upon the export of them from their colonies, and they were even doing something more than this; they were granting bounties for the carrying of those very products to the mother country. Wines and brandies and other products of France, went in exchange for oils, soap, and other products of their colonies, without being in the slightest degree questioned. In short, they were in the full enjoyment of all the advantages of peace, by having an ample supply of all sorts of goods. The regular tea sales at Amsterdam went on without any the smallest interruption, just as if the Dutch were in a state of the most profound peace; ships that traded from Amsterdam to China being allowed to navigate with the greatest facility. Even the capital of every Dutch merchant was fully employed. Most of the houses in Amsterdam have houses in America, or have agents in that country, so that the money was advanced in many instances before a single bale of goods left America. They had then colonial and other produce conveyed to them just in the same manner as if we had not the enjoyment of any maritime superiority at all. I do not know whether or not I have been succesful in my view of the subject, but it does seem to me, that looking to the situation of Europe, and of this country, at the time of issuing these Orders, it was ruinous to us in the extreme. While this country was in this state of blockade, America could not take from us a single bale of British goods without the risk of her vessels being lawful prizes to the French. Our commerce and colonial produce might have remained in our warehouses and rotted there; as I cannot help thinking that the more Buonaparte acquired of the continent, the more rigorously would he be inclined to enforce his measures. And be it recollected, that our commerce constitutes the sinews of war, and therefore those measures of retaliation which we adopted were absolutely necessary for our preservation and defence. We have only imposed those privations upon France which would induce France, or at least the inhabitants of that country, (for I am not supposing that we could compel their government to agree to these measures), to become the violators of their own decrees. Now, upon the ground of retaliation we are perfectly justified. It has been said, that our Orders have been a violation of the law of Nations; but need I revert to any other authority upon this subject than that of the late government themselves? I confess that I cannot see any difference in the principle, although there may be some in the degree, between these Orders and that of the 7th of Jan.; they were founded upon the principle of retaliation. This principle was completely set forth by a noble lord (Howick) in a note to Mr. Rist, [p. 402,] in which he strongly represents the injustice of the French Decree of Nov. 1806, and justifies the conduct of his majesty in issuing the Order in Council, of 7th Jan. which Order was founded upon the just principle of retaliation. This principle seems to have been asserted by France herself. I do not feel it, notwithstanding these authorities, necessary to plead the justification of these Orders, by the precedent of that issued by his majesty's late government.—No; I think, and I am sure, this house will feel, that they are perfectly justifiable; and, I will add, founded on the law of nations. In 1798, Russia feeling at that period the aggressions and overweening tyranny of France, did issue an Order of a much stronger stamp than those issued by G. Britain, and so much complained of; that Order authorised the seizure of all ships proceeding to France. I do contend, that the question of the conformity of these Orders to the law of nations, cannot be viewed in the abstract. It may be asked, will you repel injustice with injustice? No. —But, I would ask, is it to be endured, that one belligerent shall be suffered to act towards another in a manner the most unjust, and the most contrary to the laws of nations, and that the other belligerent shall be bound to observe the accustomed usages and conduct towards her? I do contend that France has acted towards this country in open violation of every law of nations; and I do maintain that this country is justified in retaliating upon her. If it be said that the law of nations ought not to be observed, I do from my heart protest against such a principle. I do think that nothing but the most urgent necessity can warrant its non-observance. If, however, your enemy will not be bound by it, I do think that you have no other resort but that of going back to first principles, and looking to self-preservation.—Much has been said of the infringement of neutral rights, but I have heard very little said of neutral duties. In the operation of these Orders in Council, it never was in the contemplation of the framers of them to oppose neutral rights. If America suffer, it is what is unavoidable where her interest is so connected as in the present war between this country and France. These measures against America were alone intended to annoy France, not to injure or infringe upon the rights of neutrals. Every concession, that was compatible with the defence of the country, I do maintain was made in favour of neutrals. America was, as before, admitted to go to the colonies and bring back their produce for her own consumption. I cannot consider it a hardship to require of a neutral whom you admit to go to an enemy's colony, to be subject to certain restrictions for such admission. If you have a right to interdict it, you have a right to point out such regulations as you think fit. It has been said that the measures adopted towards America will be likely to produce misunderstanding between her and this country. I do not believe it; on the contrary, I am thoroughly persuaded that America will feel, when she views these measures with that temper and coolness that I think she will, that this country has been actuated by no hostile feeling against her, but that whatever injury she may sustain, was absolutely unavoidable on our part, and indispensable to our preservation and existence. It is impossible that America should not see that this country has done every thing in its power compatible with its security, to accommodate and convenience her. I am proud it has been so; convinced as I am, that the prosperity of the one country is the prosperity of the other. Different has been the treatment of France to America. All communication with G. Britain has been interdicted, under the threat of destroying her independence. The conduct of France towards America, I do contend, has been one continued scene of insult and injury. G. Britain has, on the contrary, uniformly acted with moderation and forbearance, and with every wish to cultivate amity and friendship between the two countries. I am satisfied, from all these considerations, and from the good sense of the people of America, that no rupture will take place between us and her. A great deal of objection has been raised against the shape of these Orders in Council, against the particular time at which they have been issued, and against their being too rigorous; but I do trust the house will feel the weakness of these objections, and agree that they have been founded both upon policy, justice, and law. These Orders, I am satisfied, will cause severe privations on the continent, and visit upon the head of its tyrant the evils intended to be entailed upon us. The period in which we live is awful beyond example, and the contest in which we are engaged, great beyond precedent. We are possessed of the dominion of the sea; France of the land; so far we are on a footing of complete equality. I regret to hear that so much clamour has been raised, by I know not what infatuation, for peace at the present moment. Are those who are such advocates for that measure, satisfied that it would be a lasting, solid, and safe one? I very much fear that no peace of the kind could be obtained at present. I am satisfied, that by carrying on the contest with that spirit and energy that become a free people, the issue will be speedy, honourable, and glorious.

Earl *Temple* thought his hon. and learned friend, who had just sat down, had departed from the investigation of the question before the house. He contended, that the principle of self-preservation laid down by his hon. and learned friend in defence of these Orders in Council, was not made out. If it had been, he would admit it to be a justification of them. The injury done to neutrals, it was contended, was unavoidable, and was with a view to the ultimate injury and annoyance of the enemy. He contended, that we could have no right to attack neutrals directly in order to injure the enemy collaterally. The Order issued by his majesty's late government, in Jan. 1807, was issued on grounds totally distinct from the present Orders. The former was in perfect conformity with the laws of nations; the latter in direct violation of them. In order to justify our conduct towards America, it would be necessary to shew that she acquiesced in the provisions of the French Decree. The contrary, however, appeared to be the fact. On the appearance of the French Decree, in Nov. the American minister required an explanation of it, stating, that it was contrary to the treaty of amity and commerce existing between America and France. The answer of the minister of marine was, that it was not in the contemplation of the French Decree to affect American ships. He had heard it said, that this was idle assertion; but he would be glad to ask, if the communication of the explanation of this Decree, by the President of the United States of America to Congress, was nothing more than idle assertion? It was a well-known fact, that the merchants of this country, whose opinions upon these Orders in Council were certainly the most correct, and who uniformly complained of them, had not, in consequence of the French Decree, been obliged to pay a single additional shilling insurance on the trade between this country and America. Spain was obliged to issue a similar decree at the time France issued hers. An American ship was brought into a Spanish port for a violation of this decree; she was brought to trial in the Prize Court, and ordered to be released. Another instance occurred in France, when an American ship, under the same circumstances, was released. What? he would ask, could be so convincing as these facts? and what could more strongly shew that it was not the intention of France to injure or restrict American traders? There were other facts which proved Mr. Munroe's letter to Mr. Secretary Canning, [p. 598] stating it not to be the intention of France to interfere with the trade of America. In the teeth of all this evidence, and three weeks after the receipt of Mr. Munroe's letter to Mr. Canning, these Orders in Council appeared. It was said that America did not obtain the revocation of the French Decree—but how could that be expected? It might not be, nor was not in her power to do so.—The noble lord proceeded to consider the Orders in Council as contradictory to the established principles of municipal law; quoting part of Magna Charta, with the commentary of Montesquieu, to prove that this country ever had considered the rights of even foreign merchants as part of their own constitutional liberty; hence, he maintained, the exertion of the king's prerogative in the publication of these Orders, and their enforcement, had effectually violated the established law of the land. The rights of war should only be exerted by the king on the property of the enemy, and by no means should they be extended to that of neutrals. This measure had even proceeded so far as to raise a tax, and levy supplies, without the consent of parliament.—With respect to the policy of the measure itself, if the inexplicable nature of the Orders permitted him to say he could form any just idea even of their tendency, he must acknowledge his decided conviction of their tendency to injure our trade, to depreciate our character among other nations, and to deprive us of the means of meeting the pressing emergencies of the times. These Orders, as affecting the sugar and cotton trade, had the worst possible effect. He could never comprehend how this measure could be denominated a retaliation, since it affected primarily ourselves, and next our allies. The French would contentedly suffer some embarrassment and inconvenience, being well apprised that the sinews of our strength laid in our commerce. Hence the whole force of this injurious system reverted on ourselves.—He concluded with entering his formal protest against the measure.

Mr. *Rose* defended the legality of the measure, contending that it had not violated any law whatever, but on the contrary was expressly provided for by act of parliament. When these Orders in Council were made, he assured the house, they were not pointed at America, but were intended as a direct and justifiable retaliation against France. He then adverted to the state of the navigation of America, and the immense increase of her shipping and carrying trade, her trade from the East Indies with all parts of the world, and the reduction in the sale of all East India goods, pepper, tea, &c. He repeated, that nothing was more desirable than to avoid warfare with America, and he could not help hoping, that when America came to consider coolly and deliberately upon the subject, she would be satisfied that these Orders were never intended against her; that to preserve peace with that country was most desirable; and he was well assured that government would see it in its true light—that of a measure of retaliation adopted through necessity.

Mr. *Hibbert* had been anxious to thank his learned friend (the Advocate General) for his excellent speech, but could not omit, at the same time, to recollect with gratitude another speech of that learned gentleman,* in which he had ably defended the Order in Council of Jan. 1807, not only as founded on principles of natural justice, which were the basis of the law of nations; but as directly bearing upon the enemy and considerate towards neutrals. The principle of that measure was so clearly expressed in a State Paper which had been alluded to in the course of the debate,† that he begged permission to read the words; "Neutrality, properly considered, does not consist in taking advantage of every situation between belligerent states, by which emolument may accrue to the neutral, whatever may be the consequences to either belligerent party; but in observing a strict and honest impartiality, so as not to afford advantage in the war to either; and particularly in so far restraining its trade to the accustomed course which is held in time of peace, as not to render assistance to one belligerent in escaping the effect of the other's hostilities. The duty of a neutral is, 'non interponere se bello, non hoste imminente hostem eripere;' and yet it is manifest, that lending a neutral navigation to carry on the coasting trade of the enemy, is in direct contradiction to this definition of neutral obligations, as it is, in effect, to rescue the commerce of the enemy from the distress to which it is reduced by the superiority of the British navy, to assist his resources, and to prevent G. Britain from bringing him to reasonable terms of peace."—Here was no assumption of the principle of retaliation, but a measure purely belligerent; the justice of which could not be affected by the variable and occasionally relaxed practice of nations. It did, indeed, treat as France, all that France held in absolute control; an extension consistent with the principle by which alone it was to be tried, as in practice it was not even strictly true that neutrals in peace had no share whatever in the coasting trade of individual France. They had shared in that trade before the revolution in the proportion of about 6,000 in one million of tons of shipping.—But the recent Orders in Council, retaliating upon the enemy his vain threat of blockade, which so far as America was concerned he had not attempted to execute, pronounced upon a large portion of the world, including nearly the whole of Europe, a constructive blockade, and then proceeded, with our immense naval force, to act towards neutrals as offensively as if such blockade were actually carried into effect. We boasted, indeed, of our relaxations, as we were pleased to call them, by which confiscation was commuted for revenue, but these provisions were in his opinion a vicious feature in the measure; they stamped upon it that *air boutiquière,* which would ensure its condemnation by neutrals. It was in vain we declared that revenue was no part of our object; America would not believe us. He would leave however the question of legality to others who would, he was sure, most satisfactorily discuss it.—As to the expediency of the measure, it was one principal motive in his rising to state, that the West India interest had neither promoted, nor approved it. There was an erroneous opinion on this subject among the public, not among his majesty's ministers, for they must well know that in Dec. last the West India Committee had unanimously and decisively expressed in a communication to the chancellor of the exchequer their belief, that these Orders in Council could afford to our own colonies no relief, but might, on the contrary, facilitate and legalise the supply and support of the enemy's colonies. The British West India planters had been also accused of suggesting and promoting a quarrel with America. This, also, was false; for a great majority of them felt and acknowledged that war with America would be one of the greatest calamities to which our colonies could be subjected. They had, indeed, been sorely grieved by the abuses of the neutral trade, and as America was chiefly instrumental in those abuses, expressions of anger and irritation had been wrung from them in their distress. But, the remedies they had so long and earnestly suggested, were, that the colonies of the enemy should, in their turn, be subjected to the chances of war; that they should be blockaded by a portion of our great naval force, or that the rule of the war of 1756 should be enforced. And, objectionable as the latter of these measures might have appeared to America if suddenly resorted to, he was persuaded that it would have proved less so than the measures we had adopted. It might have been alleviated by conceding to her a temporary traffic in so much of our own colonial produce as must otherwise be wasted or brought hither to the ruin of the planter, and it might have been justly defended as a belligerent measure, most consistent with our own situation as masters of the sea, and with our unquestionable right to impoverish those sources to which the enemy must look for establishing himself as a rival maritime power. What was it we were dreading, in the event of peace, so much as that France should thereby obtain a navy? and was it not true that to her colonies principally she must look for that purpose?—It would be found on attentive survey, that the naval force of France had always kept pace with the prosperity of her colonial trade, and yet, without regarding on whom the reproach might fall, he must say, that in the long course of this contest we had been very little solicitous to prevent her from receiving back her colonies at a peace, in a condition much more prosperous than that in which we had maintained our own.—If our West India colonies were not to be benefitted by this measure, he was at a loss to conceive by what description of traders the advantage was to be derived. It was the commencement of a war of privation by the greatest commercial nation in the world, and it must be remembered that in this conflict there might be two kinds of distress: distress from the need of buying, and distress from the need of selling; in his opinion, the latter feeling was more likely to press upon this country than the former upon France. We could not accomplish both objects, that of distressing the enemy by subjecting him to wants, and that of relieving our own trade by supplying him; one of these aims we might partially attain; but, in proportion as we should approach to it, we must recede from the other. The policy of wantonly rushing into a contest with the only remaining neutral, while we were so dependant upon foreign demand, he could not see. The conciliatory language held a few nights ago by the right hon. the chancellor of the exchequer had been hailed by him as the promise of a better disposition: that right hon. gent. had said, that the prosperity of America was the prosperity of G. Britain; and he might have added, that the prosperity of the world was the prosperity of G. Britain.—Such language was not the mark of despondency or submission, it was more apt to spring from confidence in moderate views and in a just cause. Why should it not be used in speaking of other foreign relations? it might invite or cultivate dispositions of returning amity, and he trusted could never be interpreted as an inclination to surrender one essential or important interest of the country. Such language, too, would discourage Petitions for Peace. The course we were pursuing must prolong our own commercial distresses, and, in his opinion, would have no other effect on the enemy than that of furnishing him with a new stimulus to the enthusiasm of his immense armies, in maintaining the contest against us until what he would denominate our maritime tyranny should be effectually controlled.

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* See vol. viii. p. 633.

† Lord Howick's Letter to Mr. Rist, see p. 402.

Mr. *W. Smith* felt particularly the injury that would be sustained by the interruption of the American corn trade, shut up and deprived as we were of all supplies of that essential necessary from the Baltic. The right hon. gent. who brought in this bill in one hand, ought, therefore to have brought in a General Inclosure bill in the other. He greatly rejoiced at the sentiments expressed by the right hon. gentlemen as to the value of the connexion with America, but he feared their acts contradicted their sentiments.

Lord *H. Petty* contended that America had submitted to no injury on the part of France, and therefore we were not entitled to inflict any injury on the ground of retaliation. He instanced two cases of the detention of American ships, one by a Spanish, and the other by a French cruiser; both were released with costs and charges after a hearing in a French and Spanish court of prize appeal. He hoped that the same sense of public duty which had in another place triumphed this night would here also put the public in possession of the necessary information upon this important point. It was not for the interest of this country to force a war between America and France; next to a war between England and America a war between France and America would be most injurious. The neutrality of America was the means of diffusing the manufactures of G. Britain. The retaliation of French prohibition would but deprive the more wealthy among the French people of a few luxuries, while the annihilation of neutral commerce would be most injurious to the manufactures of G. Britain. The accumulation of sugars that would be created here by the collected produce of the various islands conquered by this country; by the importation from the French islands, in American bottoms; and by the importation from the Brazils, now sanctioned by act of parliament; the arts of substitution which the French people would learn, and the privations to which they would accustom themselves, would be lasting injuries to this country and her colonies. Thus, this measure, which promised so much benefit at the outset, was attended with much mischief in the result. He deprecated proceedings which would involve the country in a quarrel with the only remaining neutral. He ridiculed the idea of those who abused the Order of the 7th Jan. as imbecile, and who now quoted it as authority of force in this question, and who, in like manner, censured as ruinous invasions of the navigation act, the provisions of the act of last sessions, for allowing the Americans to import the necessaries of life into our West India colonies. He trusted the house would pause, before it gave its sanction to a measure of such effect, and so little founded in right and law.

Lord *Castlereagh* contended that the Orders in Council were founded on a principle of forbearance towards America, and not likely to injure their commercial interests in any degree, as much as the adoption of the rule of the war in 1756. The statement contained in the answer of lord Howick to Mr. Rist, that the government of this country would not cease to act upon the order of the 7th of Jan. until neutrals should procure the revocation of the French Decree, but ill accorded with the sentiments expressed by the noble lord opposite (lord H. Petty). Whatever relaxation of the rigour of its decree the French government might have found it covenient to adopt at home, it was most rigidly enforced in all the French colonies. It was not till after the peace of Tilsit that France found herself in a condition to execute that Decree generally over the continental countries subjected to her controul. While she was excluding our produce from all parts of the continent, was this country to submit without throwing any impediment in the way of her supply of her colonial produce? If the rule of 1756 were to be applied to America, it would deprive her of full one half of her exports. Could the noble lord contend that it was not an advantage to America that we had not declared the enemies colonies in a state of blockade? The Americans would have no right to complain of the duties proposed to be laid on, because they were only the carriers, and the duty would, of course, fall upon the consumers. As to the effect that might be produced upon the commerce of this country by the state of the continent, he admitted that its exports might for a time be checked, but that could not last long, because no pressure could keep down the vast extent of territory under prohibition, in such a manner, that the interests of individuals would not induce them to procure such articles as might be necessary for them. As to the question relative to our relations with America, he could assure the house that he and his colleagues were extremely anxious to avert the interruption of peace and amity with that country. If the calamity of war should unhappily take place, whenever the conduct of his majesty's ministers should be brought under consideration, it would be seen, that no effort had been spared in order to prevent it. If war should be the consequence, it would appear, that no concession or submission could have prevented it. The arguments of the noble lord came with a bad grace from those who had held the language contained in lord Howick's answer to Mr. Rist; rather should they now maintain the principles which they then professed, at a time, too, when the dangers of the country were not so imminent as at present. The consequence of a war would be the loss to America of her whole export trade, whilst only one-fourth of our exports would be endangered by that event. Our means of shutting American produce in her ports, in consequence of our vast marine, were far more extensive than her internal means of excluding us, and, consequently, a considerable portion of what this country now exported to America, would find its way into that country notwithstanding a war. We were not, from the mere apprehensions of a war with that country, to shrink from the assertion of those maritime rights which were so essential to our national strength and prosperity. The question now was, whether we were to be conquered by the French or not? Buonaparte had essayed his military warfare against us ineffectually, and he was now trying the success of a commercial warfare. It was an attack upon the public spirit of the country, and he was convinced the nation would not decline the contest. In order to obtain any peace with France, in order to made her live in peace, we must prove to her that she can make no impression on us. The only prospect of living with that country in civil or political intercourse, was afforded by a perseverance in the war, till by a proud defiance of all her means, we should convince her of her inability to destroy or weaken ours: so might we enjoy relations of amicable intercourse, not of suspended warfare with her; but that could never be expected, till we should have established the proof that no instrument she could employ, would avail for the reduction of the power or the resources of this empire.

The gallery was then cleared for a division, when the numbers appeared—

For the second reading	214
Against it	94
Majority	—120

While strangers were excluded, another division took place upon the question, That the Bill be committed this day

For the question	147
Against it	55
Majority	—92

Adjourned at half past 3 on Friday morning.

HOUSE OF COMMONS.

Friday, February 19.

Petition respecting the Cold-Bath-Fields Prison.]—Mr. *Sheridan* held in his hand a Petition similar to that which he had yesterday withdrawn, in deference to what seemed to be the sense of the house. Yet though he had given way he could not help thinking that there was no sufficient reason for refusing to receive the petition. The doors of parliament ought to be thrown open as wide as possible, for the reception of the petitions of the subject representing his grievances; and if a petition was to be rejected merely because at the moment of presenting it the petitioners were not in the precise situation in which they described themselves to be, merely because they did not designate themselves properly, that designation being wholly immaterial to the subject of the petition, it would give rather an unfavourable impression as to the disposition which it was proper that parliament should be known to have to attend to all just complaints. The petitioners were, in part, grand jurors of the county of Middlesex on the day on which the petition was signed, the 3d of Nov. last, but on that day they ceased to be so. The present petition was from the foreman of that grand jury, Mr. Stephens, in his individual capacity. He wished to know however, whether he might not this day again offer to the sense of the house the petition which he had withdrawn yesterday.

The *Speaker* recommended the right hon. gent. to acquiesce in the sense of the house expressed yesterday, as to the propriety of admitting that petition.

Mr. *Sheridan* submitted, but he declared he would never again acquiesce in what he felt to be wrong. He then presented the petition, which was as follows:

"To the knights, citizens, and burgesses of the honourable house of commons, of G. Britain and Ireland, in the united parliament assembled: The Petition of Alexander Stephens, of the honourable society of the Middle Temple, and Park House, in the county of Middlesex, esq. humbly sheweth, That certain persons lately serving the office of grand jurymen for the county of Middlesex, to the number of about nine, having visited the House of Correction for the said county, commonly called the Cold-Bath-Fields Prison, on Tuesday, Nov. 3, in the year of our Lord 1807, between the hours of 11 and 12 in the forenoon: They there discovered, that all the loaves found by them (each of which ought to contain 16 ounces, and to be distributed daily, at 10 o'clock in the morning) were greatly deficient in point of quantity, as will be seen from the annexed statement on the part of one of the magistrates of the city of London: That the prison weight demanded and used upon the present occasion, for trying the loaves in rotation, proved also deficient, as was fully demonstrated in both instances on the same day, when compared with the standard at Guildhall, in the presence, first, of sir W. Leighton, knight, then lord mayor; and afterwards of R. Phillips, esq. then and still one of the sheriffs of London and Middlesex, as well as of four of the late grand jury; and, moreover, that the scales of the said prison were false and fraudulent." 'Copy of a letter from Mr. 'Sheriff Phillips to William Mainwaring, 'esq. chairman of the quarter sessions, '&c. Sir; I consider it a duty which I 'owe the public to inform you, as chairman of the quarter sessions, and, I believe, one of the committee for conducting the business of the prison, that I was 'present when an appeal was lately made 'by the grand jury of the county to the 'standard weights in Guildhall; that I 'witnessed the examination of the pound 'weight for weighing meat and other 'provisions in the house of correction, 'Cold-Bath-Fields, when it was found to 'be seven-eighths of an ounce too light; 'and that on weighing some loaves which 'were found in the same prison, by the 'grand jury, they appeared also to be considerably too light, one or two of them 'being from an ounce and a half to two 'ounces under weight. I should compromise the feelings which I bear towards 'the respectable magistracy of the county 'of Middlesex, if I were to omit to make 'this formal communication. I have the 'honour to be, &c.—R. Phillips, Sheriff;—Bridge-street, Nov. 13, 1807.'—Your petitioner, together with other gentlemen, late members of the grand jury, also discovered, that several of the liege subjects of this realm were committed to close custody in cells destitute of fire, 8 feet 3 inches long, by 6 feet 3 inches wide, two of them in irons, although sick; some, if not all, of these were innocent in point of fact, as all were then innocent in point of law, being detained under the pretext of re-examination, and consequently uncondemned by the legal judgment of their peers, or even the accusatory verdict of a grand jury. Of this number were a mother, a daughter, and a son, of creditable appearance; the two former in one cell, so situated as to be exposed to a continual current of external air, without the possibility of obtaining, even during the severest frost, an artificial warmth by means of fuel, while the convicts below enjoyed all the comforts of an open roomy ward, with occasional access to fire. That in one of these lonely cells was closely confined a foreigner of some rank, the Chevalier de Blin, who, as we were told, by one of the jailors, while so immured, had been deprived of his reason, and who presented to your petitioner, after communicating with him for some time in the French language through the key-hole, and demanding entrance, a memorial on his knees. That in this place, originally destined for the improvement of the morals of petty offenders, a female prisoner, as we have learned, has been lately debauched by the son of the chief jailor, or governor, who then held an office of trust in the prison, and has since had a child, now, or at least lately, burdensome to the parish of Kensington, in the county of Middlesex. That four debtors were shut up in this house of correction, the only communication between whom and the world, appears to take place occasionally, by means of two iron gates, at upwards of six feet distance from each other, with a jailor walking in at intervals, so as to preclude complaint; and that from the examination of a debtor, and also, by a letter from him, both in the possession of your petitioner, it appears that he was shut up with persons guilty of robbery, and unnatural crimes. And, lastly, that six innocent persons, the bills against whom had been thrown out by the grand jury, were dragged from Cold-Bath-Fields Prison to Hicks's-hall, in open day, at the close of the session, first manacled, and then fastened together by a rope, to be discharged by proclamation. Your petitioner, therefore, conceiving that such gross instances of fraud, coupled with such an open violation of the laws, and even of the express orders of session, are calculated to bring his majesty's government into contempt, and cast an unmerited odium on our most excellent constitution; thinking also, that if such malpractices were detected in a casual and slight survey, of less than two hours duration, far greater abuses are likely to be brought to light, by the intervention of the grand inquest of the nation, most humbly and earnestly solicits this honourable house to take the premises into consideration, and by a public and open examination at its bar, or any other mode, afford such relief as may seem meet.

A. STEPHENS."

Mr. *Sheridan*, in moving that the Petition should lie on the table, felt it unnecessary to recommend it to that attention which he was sure his majesty's ministers would be disposed voluntarily to pay to it. But he begged more particularly to recal to the recollection of those gentlemen the Report of the committee of the house of commons, in the year 1800. The facts and suggestions contained in that report were yet unapplied in the way of reformation or relief.

The *Chancellor of the Exchequer* contended, that the house could not with propriety, have received the petition of last night, on account of the petitioners presenting themselves under a designation which did not properly belong to them. If the house were once to admit the principle of petitioners approaching them under any other character than that to which they were strictly and properly entitled, it was impossible to say what abuses might follow. Having stated thus much on the point of form, he would now state to the house what had passed between him and the gentleman who had represented to him the matter contained in the Petition offered to the consideration of the house. He told that gentleman, that if he would give him the facts in an official form, he would lay them before the secretary of state for the home department, with the strongest recommendation which he could give, though he was sure no recommendation would be required to call the attention of that noble person to a case of such a nature, coming in a proper authenticated and tangible shape. The communication was, in fact, made to his noble friend: but it came in an unofficial form, marked 'private,' and he could not feel himself warranted in taking any public step upon it, not holding himself at liberty to mention the name, or to designate the source from which he had derived his information. He saw no necessity in presenting this petition, unless it were with a view to insinuate that his majesty's ministers were inclined to neglect what they were in fact perfectly disposed to do, if they were supplied with proper materials to proceed upon.

Mr. Secretary *Canning* stated, that he also had received a letter upon this subject, which he had transmitted to his noble friend the secretary for the home department.

M. *Sheridan* wished to know the distinction taken in this case between an official and unofficial form of communication. The individuals concerned could make the communication, as it appeared from all that had been said, only as private persons.

The *Chancellor of the Exchequer* said, that when a communication was marked 'private,' no disclosure could with propriety be made of its contents, nor of the name of its author, nor could it in any way be used as a public document.

Mr. *Sheridan* said there must have been some mistake on this head, as such privacy could never have been intended by those who put themselves so publickly forward in this and in other places, to correct the grievance.

Mr. *Mellish* said a few words in vindication of Mr. Mainwaring,. who had, in conformity with his duty, referred this matter to the magistrates.—The Petition was then ordered to lie on the table.

EXPORTATION OF COTTON.] The house resolved itself into a committee of ways and means, Mr. Wharton in the chair.

The *Chancellor of the Exchequer* proposed to lay the same duty on the exportation from this country of cotton wool, the produce of British colonies, as now existed on the exportation from this country of cotton wool, the produce of any other part of the world. His object in proposing this was, not for the purpose of raising a revenue, but to effect a prohibition in the only way it could be effected. He had, therefore, calculated the duty so as to be just under the amount of the insurance which merchants would pay for the risk, if the article were prohibited. He therefore moved, 'That towards raising the supply there be laid on every pound of Cotton Wool exported from this country, being the produce of British colonies, the duty of ninepence.'—The article of salt was in great demand in the north of Europe, where it could not be dispensed with. By the measures of the enemy the exportation from this country would be increased, rather than obstructed, for those measures empowered the country by the law of retaliation, to prevent the continent from getting salt any where but from G. Britain. He therefore moved, 'That towards raising the supply, there be laid on the exportation of all salt to the continent of Europe, a duty of 9d. per bushel; and on the exportation of all salt to distant parts in the world (with the exception of British colonies) a duty of 3d a bushel.'—A conversation ensued, in which Mr. Ponsonby and lord H. Petty disputed the expediency of these propositions. The Chancellor of the Exchequer and Mr. Huskisson maintained the expediency of them. On the latter proposition Mr. Davenport and gen. Gascoyne recommended caution and deliberation. Mr. Baring was apprehensive that these duties on salt would act as protecting duties on the salt of American manufacture, and that when we had once lost the market for that article, we should be unable to regain it.—In answer to a question from lord H. Petty, the Chancellor of the Exchequer stated, that he meant the duty also to apply to the exportation of salt from the Bahamas to America.—The Resolutions were then agreed to.

ORDERS IN COUNCIL BILL.] The *Chancellor of the Exchequer* stated, that in consequence of an amendment which he intended to introduce into the Orders in Council bill, he should propose that the bill should that night go through a committee, pro forma; that the report should be received on Monday, and that, on Tuesday a recommitment should take place, when the bill might be discussed.

Mr. *Ponsonby* expressed his satisfaction that the right hon. gent. had changed his opinion on the subject since 3 o'clock on that morning. His objection, however, to the principle of the bill was so strong, that he could not allow the Speaker to leave the chair without taking the sense of the house upon it.

The *Chancellor of the Exchequer* said it was not his intention to protract the discussion of this measure. He was not until this day aware, that alterations were necessary. If the right hon. gent. had a desire to take the sense of the house he might. It appeared to him, that the reason for taking the sense of the house upon the present occasion might be, that the right hon. gent. looking at the strength of the house might think, from the thinness of what were called the ministerial benches, that he was sure of a triumph.

Mr. *Ponsonby* explained, and denied any such motive.

Mr. *H. Martin* thought the measure was one of such paramount delinquency, that every opportunity should be taken to expose its injustice. He was surprised at the insinuation thrown out by the right hon. the chancellor of the Exchequer against his right hon. friend, who he knew was incapable of the motive attributed to him. He was satisfied the right hon. gent. could marshal his troops with much more celerity than could be effected on his side the house.—A division then took place, when there appeared,

For the postponement 118
Against it, ... , ... 32
Majority . . . .—86

When strangers were re-admitted, we found the chancellor of the Exchequer on his legs, assuring the right hon. gent. (Mr. Ponsonby) that the division had convinced him, that he was mistaken in the insinuation he had previously made, with respect to any wish of taking an unfair advantage.

HOUSE OF COMMONS.

Monday Feb. 22.

[Minutes.] Col. Stanley brought up the report of the Evesham Committee. The report stated that the sitting member, sir M. Lopez, bart. was not duly elected, and ought not to have been returned; that the petioner, H. Howorth, esq. was duly elected, and ought to have been returned; and that the opposition of the said sir M. Lopez, bart. to the petition of the said H. Howorth, esq. was not frivolous or vexatious.

[Saltash Right of Election.] Ordered, That Mr. Wharton do make the Report from the select committee appointed to try and determine the merits of the Petion of James Buller, esq. Arthur Champernowne, esq. Matthew Russell, esq. the rev. John Buller, clerk, John Evans, gent. John Stephens Croft, and Isaac Toby, each of whom are seised of an entire ancient Burgage Tenement, situate within the Borough of Saltash, whereon an ancient dwelling house now stands or formerly stood; and also of the Petition of W. Henry Fremantle and Tho. Francis Fremantle, esquires, respecting the Right of Election for the said borough.—Mr. Wharton accordingly from the said committee informed the house, That the said committee required the counsel for the several parties to deliver to the clerk of the said committee statements, in writing, of the Right of Election for which they respectively contended: That, in consequence thereof, the counsel for the Petitioners James Buller, esq. Arthur Champernowne, esq. Matthew Russell, the rev. John Buller, clerk, John Evans, gent. John Stephens Croft, and Isaac Toby, delivered in a statement as follows: 'The petitioners 'contend, that the Right of Election of 'members to serve in parliament for the 'borough of Saltash, is in every person 'seised of an estate for life, or some greater 'estate, in an entire ancient burgage tene'ment, situate in the borough aforesaid, 'whereon an ancient dwelling house now 'stands or formerly stood, and in no other 'persons.'—That the counsel for the petitioners W. Henry Fremantle and Tho. Francis Fremantle, esquires, delivered in a statement as follows: 'That the Right of 'Election for members to serve in parlia'ment for the borough of Saltash is in the 'mayor and free burgesses of the said 'borough, being members of the corpora'tion within the same, and in no other per'sons:'—That upon the statement delivered in by the counsel for the petitioners, the said W. Henry Fremantle and Tho. Francis Fremantle, esquires, the said committee have determined; "That the Right of Election, as set forth in the said Statement, is not the right of election for the said borough of Saltash:" That upon the statement delivered in by the counsel for the Petitioners James Buller, esq. and others, the said committee have determined; "That the Right of Election, as set forth in the said Statement, is the right of election for the said borough of Saltash, so far as the said right is therein described:" That the said committee having duly considered the said statements, and the evidence adduced before them, touching the right of election for the said borough of Saltash, have determined; "That the Right of voting for members to serve in parliament for the borough of Saltash is in every person seised of an estate for life, or some greater estate, in an entire antient burgage tenement, situate in the borough aforesaid, whereon an antient dwelling house now stands or formerly stood, and in no other persons." And the said determinations were ordered to be entered in the Journals of the house.

Petition from Bolton for Peace.] Col. *Stanley* presented a Petition from the inhabitants of Bolton in Lancaster, setting forth, "That the petitioners suffer great privations on account of the depressed state of the manufactures, whereby the price of labour is reduced in the most unprecedented degree, and thousands of the petitioners threatened with the want of employment: that, in the judgment of the petitioners, the great suspension of commerce arises chiefly from a want of the customary intercourse with the continent of Europe; and that the depressed reduction of trade reduces thousands of the petitioners to the most extreme distress: that many useful enterprising and ingenious manufacturers, have been reduced from afluence to complete poverty, the consequence of which is, that number of the petitioners have been reduced to the absolute want of the necessaries of life for themselves and helpless offspring; and that the present situation of affairs still threatens the petitioners with additional sufferings to those they now experience: that, in the opinion of the petitioners, the present evils under which they so severely suffer, are owing to the continuation of the present war, which causes the extensive depression of foreign commerce, which the petitioners humbly presume can only be restored by the blessings of Peace: that the petitioners are not induced to petition the house on the subject of Peace from any dread of the enemy, but from a desire that no opportunity may be omitted to enter into negociations for that purpose; and that the petitioners, should the enemy, from ambitious motives, be induced to make demands inconsistent with our national honour and independence to grant, will ever feel it to be their duty, with one heart and mind, to think no sacrifices or privations too great when made for the honour and security of their king and country; and therefore praying, that the house would, in its great wisdom, recommend to his majesty, that no means be omitted, consistent with our national honour and security, for restoring to his faithful subjects the blessings of Peace."—On the motion, that the Petition do lie on the table,

Mr. Secretary *Canning* said,—"Sir, I do not rise to object to the motion, satisfied as I am of the propriety of the terms in which the petitioners have claimed the attention of the house to a subject so highly interesting to the whole country; although I cannot but, at the same time, feel that it is a subject which must always be in the contemplation of this house, and of those whose duty it is to advise his majesty. I trust, sir, I shall not be considered as deficient in feeling for the situation of the petitioners, if I express my sincere opinion and conviction, that even were peace to be the immediate cure of the evils of which they complain, the mode of obtaining that cure which they have adopted, must necessarily retard its acquisition. While I allow that it is perfectly natural for the petitioners, experiencing the privations which they do experience, to look eagerly to any remedy that appears to promise them relief, yet, on the part of those who ought to take a more extensive view of the subject, I must deprecate any accusation of hardness of heart, if they declare their firm opinion, that, should they be driven to a negociation under circumstances in which they must feel fettered and embarrassed, such would unquestionably not be the mode of obtaining the object prayed for by the petitioners; namely, a peace, consistent with the security and honour of the country. In expressing these sentiments, sir, I am sure I speak those of my colleagues. We are anxious to avail ourselves of the best means to accomplish this desirable end. Our duty and our interest unite to induce us, if possible, to obtain a peace consistent with the security and honour of the country. We have missed no fair opportunity for that purpose. Sir, I am anxious to repeat, that we feel most strongly the distress of that situation from which the petitioners wish to be relieved; but we are bound to advise his majesty conscientiously to the best of our judgment, and we are satisfied that, by a premature negociation, or one commenced on any grounds but those of perfect equality and independence, not only would the object of the petitioners fail of being realized, but any subsequent hopes which they might be led to entertain would be disappointed, in a manner the most injurious to them, and to the country at large."—The Petition was then ordered to lie on the table.

[Treaty with Sweden.] Mr. *Ponsonby* observed, that on the first day of the session he had noticed a passage relating to Sweden, in the Speech of the lords commissioners, and having inquired of the right hon. secretary, whether by that passage it was implied, that the house should make good a subsidiary treaty with Sweden, the right hon. gent. had replied, that he expected shortly to have his majesty's commands to lay on the table of that house, a subsidiary treaty with Sweden. Above a month had elapsed, but no such treaty had been produced, although it was rumoured, on what authority he knew not, that a considerable sum of money had actually been sent from G. Britain to that country. He wished to know whether any money had been so transmitted? and if it had, whether it was under the conditions of a treaty subsisting prior to the observation in the speech, or in consequence of the conclusion of a more recent treaty?

Mr. Secretary *Canning* replied, that the reason why the passage in his majesty's speech had not been followed up by the presentation of the treaty was simply this: until within these few days there had been no arrivals from the continent. No less than eight or ten Gottenburgh mails had become due. Within these few days, however, dispatches had been received from the British ambassador at Stockholm, stating that the Treaty with Sweden had been actually signed. His majesty's government were in daily expectation of receiving it, and within as short a period as possible after the arrival of the treaty, he should feel it to be his duty to bring it down to the house. It was unquestionably true, that a sum of money had been sent to Sweden, not in pursuance of any prior treaty concluded with that country, but in the contemplation of the treaty that had recently been signed.

[Exportation of Cotton Wool and Jesuits Bark.] The *Chancellor of the Exchequer* stated, that he understood, by representations from various quarters, that it would be more acceptable to have a direct prohibition of the exportation of certain articles, the produce of neutral states as well as of this country, which it was intended to have prohibited by duty. The mode of prohibition under the Orders in Council was certainly generally intended to be that of imposing duties. However, as a direct prohibition of the exportation from this country of such articles as were produced by America as well as our own colonies appeared to be considered the preferable mode, he should adopt it. He would, therefore, move for leave to bring in a Bill to prohibit the exportation of Cotton Wool and Jesuits Bark; with a proviso, however, that licences might be granted in certain cases for such exportation. As to the prohibition of the exportation of Bark, he was led to it by the information that the severest pressure was already felt on the continent from the want of that article. It was of great importance to the armies of the enemy. He understood that at Paris it had risen from 10*s*. to 70*s*. per pound, and that attempts had been made to procure it in spite of all obstacles. The object of the prohibition in this instance was, that it might ultimately be the means of introducing other articles into the continent. He moved, that the house should go into a committee to consider of the prohibition of the exportation of Cotton Wool and Jesuit's Bark.—The Speaker left the chair. The resolutions were put and agreed to; the report received; and bills ordered.

[Orders in Council Bill.] The report of the Orders in Council bill was brought up.

Mr. *Tierney* objected to the bill on the ground of informality. This was a bill not only for imposing duties, but for the regulation of trade. But it was provided by a standing order of the house, founded upon that of 1703, that no bill for the regulation of trade should orginate, except in a committee of the whole house, called a Committee for the Protection of Trade and Navigation. That part of the bill which went to the regulation of trade, ought therefore, in his opinion, to have originated in such a committee. He had looked for precedents, and found one exactly in point in the Convoy Duty act. The course which had been pursued by the right hon. gent. opposite (Mr. Rose) in that instance was this—that part which was matter of commercial regulation was referred to a committee of trade; that which regarded the duties was referred to a committee of ways and means. The resolution of the ways and means was first reported and a bill ordered. The other resolution was then reported, and an instruction given to those appointed to bring in the Duties bill to make provision pursuant to that resolution. The present was a bill precisely of the same nature, and the same course ought to have been pursued. The right hon. gent. opposite (Foster) was to move resolutions of the same sort with respect to Ireland; and he would ask him, whether he would not feel it his duty to adopt the course which he had described?

The *Chancellor of the Exchequer* replied, that all that was required by the Standing Order of 1772, which had taken place of that of 1703, was that any regulation as to trade should originate in a committee of the whole house, and a committee of ways and means was such. But, besides this, there was a clear difference between the Convoy Duty act and the present bill. There the alteration in the trade was the work of the legislature: here it was the work of the king, and to make the alteration, he contended the king was fully competent. All that the legislature had to do with it was to impose the duty, and for that the committee of ways and means was the proper place.

Mr. *Tierney* mentioned some of the clauses which went to make new regulations in trade, and touched incidentally upon the pernicious custom the house was getting into, of overlooking the principle of confining the ways and means within the limits of the supplies. The words of the Property Tax act placed the proceeds from time to time in the hands of ministers, so that they might have the supplies under that act without any committee of ways and means at all. The war-tax act placed some millions in the hands of ministers beyond the estimated supplies. On the principle he had stated, he strongly objected to the bill going forward without an estimate of the expected amount of the duties imposed. Returning to the essential ground of his objection, he said, that the king might regulate the mode in which ships were to come to England, but he could not regulate the mode of their going out. There was also a clause for remitting forfeitures which could not be regulated by the crown. The bill, therefore, ought to be divided in order to proceed in the proper way.

Mr. *Rose* said, that there was a radical difference between the case of the Convoy Duty bill and the present. There a distinct alteration in trade was made by the legislature, here it was made by the crown. The regulations in the bill were minute points, and it was customary in the committee of ways and means to allow such regulations as were not essential, in addition to the duties.

The *Speaker* stated, that it was customary in the committee of ways and means to interfere in regulations respecting trade, such as in the instance of the expiring laws. Though the committee of ways and means was the only place for duties, yet, since 1772, the house had been in the habit of admitting there of certain minute regulations closely connected with these duties. Unless they were thus connected, the house would order a separate bill, originating in another committee. This was the principle, the house would apply it as it thought fit.

Mr. *Tierney* said, that the question was, whether the regulations in question were such as the Speaker had said might be adopted in the committee of ways and means, along with the duties?

The *Chancellor of the Exchequer* admitted, that there was something in the argument respecting forfeitures. He would therefore not object to the dividing of the bill when it came to the committee.—The report was then received, and the bill ordered to be re-committed on Wednesday; and, on the motion of Mr. Tierney, it was agreed, that there should be an instruction to the committee to divide the bill if it thought fit. He also gave notice, that he would then move for the reference of the matter of regulation to a committee of trade.

[GREAT GRIMSBY ELECTION.] Mr. *Horner* rose to move that the order for taking into consideration the Petition complaining of the undue election for the borough of Great Grimsby, should be discharged. The grounds upon which his motion rested were, that the standing order of the house had not been complied with by the petitioner in the last session; that order requiring that the petitioner should give in a statement of his qualification within 15 days after notice to that effect had been served upon him, subsequent to the presenting his petition. Such notice had been given to the petitioner last session, but no qualification had been accordingly given in; and thus the qualification had, within the regular time after the renewal of the petition in the present session, been returned to the house, in the absence of any precedent, since the enactment of the Grenville act, that the house should be governed by the analogy of its practice, antecedent to the passing of that act, which would be fatal to the claim of the petitioner to be heard. He therefore moved that the order be discharged.

The *Solicitor General* stated, that he agreed with the learned gent. as to the practice of the house antecedent to the passing of the 10th of the king, the Grenville act. But he contended, since the enactment of that statute, which transferred all jurisdiction on matters of controverted election from the house to the committees chosen under it, it was not competent to the house to discharge any order for a committee to determine the merits of an election, in any other manner than as prescribed by the act. The whole jurisdiction rested with the committee, which alone was to decide upon the question respecting the qualification, and therefore the house could not have power to discharge the order pursuant to the motion of the hon. gent.—After a few words from

Mr. Croker, the motion was negatived without a division.

[Conduct of Marquis Wellesley.]—Lord *Folkestone* moved the order of the day for taking into consideration the papers; and on the question that they be now taken into consideration,

Mr. *Creevey* rose to give his negative to the proposition, for two reasons: in the first place, because it was impossible for the house to come to a decision upon the conduct of the marquis Wellesley, without at the same time deciding upon the general question of Indian policy; and in the second place, because it was quite impossible that gentlemen could so have digested materials which would fill seven volumes, and which had been collected from the administration of that country, during a period of 17 years, which had been moved for by different persons, and with different views, and which brought into comparison the administrations of lord Teignmouth and the marquis Cornwallis with that of the marquis Wellesley, as to be able to decide upon the merits of that complicated system with which the conduct and character of the last mentioned nobleman were inseparably interwoven. The papers were in such confusion that it was indispensible that they should be arranged before they could be perused, so as to convey the information necessary to enable the house to form a judgment upon the facts to which they related; and though he was pretty generally acquainted with them, he had not met with three gentlemen who had read them. The course, therefore, which he would recommend was, that they should be referred to a committee. He did not care how that committee was formed. He had no objection that the three brothers of the noble marquis should be members of it, and it should be appointed exclusively by the hon. gentlemen on the treasury bench. As matters now stood, the house could not enter into a discussion of the question, because it was connected with a variety of others which required a detailed examination. The question before the house was the propriety of the treaty by which the Nabob of Oude was dethroned and stript of his territory. But this was not a solitary instance of this species of policy. He had concluded many treaties of the same kind, and each was referred to in his instructions to his agents as a model for the other. They could not, therefore, decide upon one treaty without also taking into consideration the model upon which it was formed. The justification of some of them was the perfidy of the prince who was dethroned; but would it be contended, that all the princes who had fallen the victims of his policy were equally perfidious? And if a general view was taken of the whole policy of his administration, what light, he would ask, was there to guide the house in forming its decision? The hon. gent. quoted the opinion of the court of directors, as it was expressed in a printed dispatch that had been published, in which that court, while it expressed a high consideration for the talents of marq. Wellesley, condemned in the most pointed terms, the general tenor of his administration, as contrary to the existing laws, as an open defiance of the authority of the directors, and as an attempt, on his part, to convert the government of India into a simple despotism. In the same dispatch the profusion of his expenditure was censured, and the whole of his conduct to foreign powers reprobated, as a departure from those principles of moderation by which they were desirous that the governor-general should be actuated.—Here

The *Chancellor of the Exchequer* called the hon. gent. to order, upon the ground that at the opening of a proceeding, instead of arguing upon matters of fact, he was bringing forward the opinions of those who were to be considered in the light of accusers.

Dr. *Laurence* on the other side, contended, that his hon. friend was completely in order, because in stating his objections to the proceeding, it was certainly competent for him to mention the grounds of those objections, and his reasons for thinking that a different course should be adopted.

The *Chancellor of the Exchequer* asserted, that it was irregular to refer to opinions which were not before the house.

The *Speaker* then decided, that if this parliament had refused the document which the hon. member was quoting, it would never consent to receive that indirectly which it had directly refused. But if the paper had not been refused by this parliament, he was of opinion that the hon. gent. was perfectly in order when he made use of it in the course of his argument.

Mr. *Creevey* proceeded to read another part of the dispatch, in which the system adopted by the marquis Wellesley, for extending the territory and increasing the revenues of the company, was reprobated as unjust, illegal, and impolitic. He contended, that it would be extremely rash for the house, in the face of an opinion so decidedly pronounced by those who were the best judges of the subject, and with an unanimity almost unparalleled (this dispatch having been signed by 23 out of 24 Directors) to come to a decision with their present inadequate means of information, directly the reverse of this opinion, which would be the effect of a resolution of acquittal, passed in favour of marquis Wellesley. It ought to be considered, too, that the very circumstance of the marquis Cornwallis having been sent out to supersede marquis Wellesley, then in the prime of life, in the government of India, was a proof that a disapprobation of his conduct was not confined to the court of directors, but that government likewise participated in it. It had been said, that any farther delay would be extremely hard towards lord Wellesley. He admitted that it was hard upon lord Wellesley. But was there not a third party who likewise merited some consideration? Would it not be hard on the East India Company to be defrauded of their possessions, in consequnce of his mal-administration? or would it not be hard upon the country if, in consequence of his measures, its Indian dominions should be severed from it for ever? What he wished was, that this question should be examined as all other Indian questions had been examined. For if the noble marquis had, during his administration, furnished more materials for discussion than any other governor, it would scarcelybe maintained that, on that account, a decision should be more speedily adopted. He thought that one of two expedients should be recurred to, either that the house ought to follow the same course that had been pursued in 1772 and 1782, and that a committee ought in the first place to be appointed to make a compleat revision of the affairs of India, or that if lord Wellesley's conduct was to be discussed separately, that the evidence before them should be previously arranged by a select committee, so as to render it intelligible; which it was not in its present form. Were parliament to come to a decision upon the conduct of that noble person by this night's vote, he asserted it they would commit an act of injustice to the noble marquis, and that it would be wanting in its duty both to itself and to the country; and in proposing some farther delay, he fully expected the support of those gentlemen who had not made themselves masters of the papers, who, he was convinced, formed a large majority of the house.

Sir *John Anstruther* called the attention of the house to the present state of the proceedings. Three parliaments ago, a charge had been brought against marquis Wellesley, by an hon. gent. (Mr. Paull) who was no longer a member of that house; all the evidence necessary for supporting the charge, had been moved for and granted; an inquiry had been challenged by the friends of the noble marquis, the charge originally brought forward had been abandoned, but upon the papers that had been produced, other accusations had been founded by a noble lord, and this night had been fixed for the house to pronounce upon the justice or injustice of these accusations. Nothing had been said of any deficiency of evidence, or of any confusion of papers, till about ten days ago. He contended, that the delay now proposed, was neither more nor less than an attempt to arrest the course of justice, in as far as lord Wellesley was concerned, for the purpose of entering into a detailed examination of the affairs of India, and to blend two subjects which were totally different and distinct. The Dispatch which had been read, ought to have no more weight with the house, than the opinion of 24 printers, and it would have been only fair in the hon. gent. when he read it to the house, to have read also the Answer to it, which was made by the Board of Controul, whose opinion he thought was fully as valuable upon such a question as that of the Court of Directors. Upon the general merits of lord Wellesley's administration, he should be ready to meet either the hon. gent. or any other person, when they came to be discussed. At present, that question was not before the house, and after the delay which had already taken place, he thought the house could not consent to postpone their decision upon the particular and personal charges, without committing an act of gross injustice to the noble and distinguished individual whose character was implicated in them.

Mr. *Robert Thornton* professed his decided disapprobation most highly of many of the political measures of the noble marquis, at the same time he wished that the house should decide upon the charges that had been brought against him with dispatch as well as with boldness. For this reason he was against the appointment of a committee, because that mode of proceeding would tend to postpone a decision which had already been too long delayed. He animadverted with severity upon the backwardness which had been shewn by some gentlemen at a certain period, to prosecute the charges which they had pledged themselves to institute, and alluded particularly to the conduct of Mr. Sheridan, in declining, while in the last administration, to bring forward the Carnatic question, because he found that it would not be agreeable to some of his colleagues. His wish was, that the character of lord Wellesley should be either cleared by a vote of the house, or that the censure should be passed upon him which his conduct had merited. He denied that the Directors of the East India Company appeared as the accusers of lord Wellesley, but he, along with many of his colleagues, had disapproved of many of his measures, and it was necessary, in their own defence, that they should state the grounds of this disapprobation.

Mr. *S. Lushington* contended, that the only mode of doing justice either to marquis Wellesley, to the injured natives of India, or to the character of the British nation, was to institute a general inquiry into all the measures of the noble marquis's administration,

Mr. *Hall* thought that if the house had any sense of national justice, or any regard for its own character, it would not suffer any further delay to retard its final decision upon this question.

Mr. *S. L. Lushington* asserted that already British India had to lament the measures which had lately been adopted in this country. The charge in the present instance he maintained was personal, and therefore ought to be decided without further delay.

Lord *A. Hamilton* was of opinion, that as gentlemen were not very forward to encounter the obloquy of taking up such charges, and the noble lord had undertaken this with such laudable attention, the business ought not to be taken out of his hands. If his hon. friend should hereafter propose a committee to inquire into the transactions in the Carnatic, or at Furruckabad, he would be ready to support him; but in the present instance he thought the course proposed by his noble friend should not be rejected.

Mr. *Grant* would have supported the motion for a committee, if that had been originally proposed; but as the noble lord had taken up the question with a view to another course of proceeding, he was not prepared to resist it. He hoped the house would not judge of the conduct of the court of directors on an *ex parte* statement, but that their case, as well as that of the noble marquis, would be considered with reference to the whole of the circumstances.

Mr. *Windham* rose, amidst a loud cry for the question. He said that he certainly should not be deterred from delivering his sentiments on this occasion by any such cry, more particularly as it was this importunity for the question which he was desirous to combat, and which he hoped to be able to do with somewhat better argument than mere clamour. He confessed, however, that he had little to say, on the present occasion, in addition to what he had stated on a former evening. The question now before the house was, whether it would come to a decision now upon a subject of the greatest magnitude and importance, or defer that decision till they were competent to judge of it? If it was asked, why the house was not competent to decide upon it now, he would leave it to every gentleman to give an answer for himself. He believed, that not one in 20 members had read the papers, and if this was the case, it was a sufficient reply to all that had been said on the opposite side. He allowed that marquis Wellesley was a man of high rank, of considerable talents, and that his conduct had been arraigned; but none of these circumstances was sufficient to counterbalance the material consideration of the incapacity of the tribunal in its present state of information, to pass a decision upon the charges which had been brought against him. The accusations which had been lodged against him were what were incident to the lot of every great man. They were taxes which greatness and distinction had to pay, nor was the noble marquis so destitute of friends, or so run down in the world, that they bore upon him with any peculiar degree of weight. On the contrary, if his conduct was arraigned it ought to be recollected that it was in the nature of that conduct to beget friends. He denied that there had been any unnecessary delay. It was not fair in calculating this to count the number of parliaments since the subject was first introduced to notice, for the present parliament was not supposed to be acquainted with the proceedings which had been instituted by any preceding parliament. And when the period during which the present discussions had been pending was considered, it certainly did not afford any reason for such a complaint, when it was compared with the time that was occupied with the prosecution either of Mr. Hastings or lord Clive. But even supposing that there had been more delay than was necessary, this was no reason why the house ought to pass a premature and precipitate decision. It might be said, to be sure, that members might have carried the papers to the country with them during the recess, but since parliament met there had been such a press of other business as completely to occupy their time. But even if they were chargeable with remissness, that was no reason why they should now pass a judgment for which they were totally unprepared. In such circumstances, an acquittal would be no acquittal, and condemnation would be no more than condemnation. He had made himself so far master of the subject as to have formed an opinion very unfavourable certainly to many parts of the noble marquis's administration, but what he wished was, that some farther delay should be granted to those who had not made themselves masters of the subject. He concluded with deprecating a hasty decision upon a question in which the national character was most deeply involved. Were the house, by a vote this evening, to give its sanction to all the flagitious outrages which had been committed in India against the rights of independent princes, in violation of all the principles of justice, honour, and good faith, he was afraid that, in the estimation of the world, this country would stand chargeable with many of those crimes which we had reprobated so much in others, but of which we had in several recent instances, he was afraid, been too successful imitators.

Mr. *B. Bathurst* said, that if the house was unprepared to decide upon the question now, this want of preparation might be a good reason for adjourning the debate to some future day, but it did not appear to him that it furnished ground for instituting a new proceeding. In proposing to appoint a select committee one or two objects must be in view, either that this committee should merely form an index to the papers, or that it should enter into an investigation of the whole affairs of India, and report thereupon to the house. But, in either case, what security had they that those gentlemen who had not read the papers in their present state, would read them after they were arranged, or that they would read the report, which would probably be still more voluminous than the papers?

Sir *T. Turton* exhorted the house not to hurry a proceeding of such great importance. This was not a case in which a private person alone was interested. It affected the rights of a whole people, who had no tribunal but that house to whom to apply for justice. They had no friend but that house, and if it slighted the appeal now made, it forfeited its own character and honour, and the character and honour of the country. At all events, he trusted it was not meant to proceed to the consideration of the question to-night.

Sir *S. Romilly* admitted that justice to the noble marquis required that no unnecessary delay should take place. Justice, however, could not be done to him, and, what was of still higher importance, to the national character, if the house came to a premature decision. A great deal had been said of the number of parliaments which had passed since the papers were laid on the table; let it, however, be recollected, that there were many members in that house who had sat there for not more than seven months, not one of whom, of course, had heard a single word on the subject of these papers, which could enable them to form any idea as to the facts which they were meant to substantiate; and yet they were now called on to give a decision on evidence of which they did not know the bearing. This was said to be a question personal to the noble marquis, but still it was no less a judicial question, and he had never yet heard of any proceeding by which a fair result of such a question could be obtained, unless those who were to judge of it, were previously acquainted with the facts charged, and the nature of the defence. Was there a man in that house prepared at the present moment to say, that he was ready to come to a right decision on the case? He had, with great inconvenience to himself, gone through a considerable part of these papers, and if obliged to come to his decision this night, he must give it against the noble marquis, though he did not say, that in the mass of evidence before the house, there might not be evidence in the noble marquis's favour of which he was at present ignorant. He was of opinion, that to send the evidence to a committee to return a digested report of it to the house, would be the only means of arriving at substantial justice. None, he was convinced, ought to desire this so anxiously as the friends of the marquis, and nothing could be more unsatisfactory than a premature decision.

Sir *A. Wellesley* said, it was for the house to decide what mode of proceeding would best suit its own convenience and the ends of justice; but, he contended, that it had been always asked, and it was the only thing that was asked, on the part of the noble marquis, that the case should be brought to as speedy a decision, as a regard to justice and fair inquiry would allow. The propriety of this principle had been laid down and enforced by the highest authority on all sides of the house, and among others, by an hon. gent. now no more (Mr. Fox), whose opinion would weigh very much with the gentlemen on the other side. He did not suppose that every member had read the papers word for word: but he was satisfied there were very few who had not read them sufficiently to enable them to give a conscientious vote. All that he asked now, was what he had asked before, as speedy a decision as the house in its sense of justice could admit.

Lord *Folkestone*, thought the house was sufficiently in possession, at least of the main facts of the case, to come to a decision on the Oude question at once, without going into the general policy of the system of government in India, which he thought belonged more properly to the general consideration of the Finances of India, of which the right hon. gent. opposite (Mr. Dundas) had given notice, or the other general view of that part of the empire to be brought forward by the hon. gent. below him (Mr. Creevey). It was their own fault if any gentlemen were unprepared to come to the decision.

Sir *F. Burdett* thought it impossible to decide this night upon the merits of the case, when the minds of gentlemen were not made up as to the proper form of proceeding. He moved as an amendment to the motion, the insertion of the words "to-morrow se'nnight," instead of the word "now."

Lord *Folkestone* agreed in the impossibility of going into the merits of the case at so late an hour this night. He was ready to agree in the hon. baronet's motion, if the house thought fit.

The *Chancellor of the Exchequer* allowed, that it was impossible to go into the merits of the case this night. He wished the amendment to be withdrawn, in order to allow the house to decide, whether it would proceed in a house, or refer the case to a committee. When that question should be decided, the proper time for proceeding might be considered; and he was of opinion, that to-morrow would be preferable to to-morrow se'nnight. It was a vacant day, and it was agreed that it was desirable to hear the noble lord's charges stated as soon as possible.

Sir *F. Burdett* withdrew his amendment for deferring the further proceeding to-morrow se'nnight.

Lord *Folkestone* was ready, for his own part, to proceed to-morrow; but he understood the gentlemen about him preferred to-morrow se'nnight.—A division was then called for, when there appeared, For the orginal motion, 21. For referring the bussiness to a committee 34.—While the gallery was shut a conversation took place about the proper time of taking the subject into consideration again, when it was agreed to make the order for to-morrow se'nnight.

HOUSE OF COMMONS.

Tuesday, February 23.

Petition from Oldham respecting Peace.] Col. Stanley presented a Petition from the inhabitants of Oldham and its neighbourhood, in the county Palatine of Lancaster, setting forth, "That the petitioners experience great inconvenience from a considerable depression of their trade, a depression which causes a reduction in the wages of labour unprecedented in the most afflicting times heretofore known, and which renders it difficult for the most industrious and healthy workman to procure for himself and family the bare necessaries of life; that the manufacturer is unable to afford him any lasting relief, for, even with this reduced state of wages, he cannot find a market for his goods that will return him a profit adequate to his expences and risks; that in the train of these distresses follow the increase of the poor rates, the numerous assignments, bankruptcies, and all the various acts whereby the property of others becomes injured and insecure; that the petitioners are persuaded, that the ultimate cause of most of the evils here complained of is the war in which we are unfortunately engaged, which has been prolonged to an unusual length, and which the powers of the continent alledge we intend to make perpetual, and under that pretext exclude our merchandize from the accustomed marts in their territory; that the petitioners conceive something ought to be done to convince the world that we cherish the idea of perpetual war as little as any other nation, when peace can be had with honour and safety, and that the most effectual way of answering such allegations would be to enter into Negociations for Peace; that the petitioners deprecate the very idea of perpetual war being entertained for a moment by any order of men in this kingdom; and they conceive that a protracted one can be attended with no advantage to the interests of this country, as the destiny of Europe seems fixed beyond the power of us to alter; and the petitioners think it incumbent on them to state, that the uncertainty whether the relations of amity could be maintained between our government and that of the united states of America has contributed no little to increase the difficulties of our situation, and, in the event of a rupture between the two countries, in the present confined state of our commerce in Europe, certain ruin will be the consequence to a great number of the petitioners; and therefore praying, that the house will be pleased to present an address to his majesty, advising him to enter into such arrangements for the immediate restoration of Peace, as the urgency of the case seems to require; but the petitioners do not request that the honour and security of the nation should be sacrificed to obtain for them a temporary relief from their sufferings; on the contrary, should our enemies, from any unjustifiable motives, be induced to make demands inconsistent with either, the petitioners will not repine at any privations they may endure till the contest can be brought to an honourable issue; but they have the satisfaction to think there will be few obstacles in the way of peace, from the Declaration of his majesty, that the late negotiations broke off upon points not immediately affecting the interests of his Britannick majesty, but those of his Imperial ally; in humble confidence the petitioners submit the matter to the wisdom of the house, not doubting but the important object of the petition will receive their candid consideration."—Ordered to lie upon the table.

JESUITS BARK BILL.] Mr. *Whitbread* observed, that a Resolution had been passed the other night, upon which a Bill was to be founded, to prevent the exportation of Jesuits Bark. If he had been in the house at the time he should have resisted the passing of that resolution. He now begged the right hon. the chancellor of the exchequer to inform him when the bill was likely to be introduced; at the same time he thought it right to state, that he should most decidedly oppose a measure which went to carry into effect that most detestable species of warfare.

The *Chancellor of the Exchequer* said that the bill would most probably be introduced to-morrow.

HOUSE OF COMMONS.

Wednesday, February 24.

AFRICAN COMPANY'S PETITION.] General Gascoyne presented a Petition from the Committee of the Company of Merchants trading to Africa, setting forth, "That the Petitioners have laid before the house, an Account of the money granted to them for the year 1806, examined and passed by the cursitor baron of the exchequer, as required by an act of the 23d of his late majesty; and that, for the purpose of enabling the petitioners to maintain the British forts and settlements on the said coast, parliament has been pleased, for several years past, to grant the sum of 18,000*l.* for the support of the said establishments, which sum has been invested for that purpose by the petitioners; and that the petitioners, being sensible of the great regard shewn by the house for the preservation of the British forts and settlements on the coast of Africa, humbly solicit that the house will take the premises into consideration, and grant to the petitioners the like sum of 18,000*l.* for the maintenance and support of the said forts and settlements for the present year; and the petitioners beg further to submit to the house, that, during the continuance of the Slave Trade, the committee were enabled to procure competent persons, willing to encounter the climate of Africa, at salaries greatly inadequate to the service, by reason of the commercial advantages which they derived from a constant and extensive intercourse with vessels trading in slaves; but this commerce being now abolished, the committee apprehend that their servants, rendered incapable of supporting themselves upon their salaries only, will no longer have sufficient inducements to remain in Africa, unless such addition should be made thereto as may be reasonable and just; and therefore praying, that the house will be pleased to grant to the petitioners, in addition to the 18,000*l.* for the maintenance and support of the said forts and settlements for the present year, such further sum as may appear to the house to be sufficient to enable them to augment the salaries of their servants in Africa as before mentioned."—Ordered to lie upon the table.

King's Message respecting an Annuity to the Family of the late Lord Lake.] Lord Castlereagh presented a Message from his majesty, which was read by the Speaker, as follows;

"G. R. His majesty having taken into his royal consideration the splendid achievements and eminent services performed by the late general viscount Lake on the continent of Europe, and in the East Indies, and being desirous to confer some signal mark of his favour upon his family, in order to enable them to support the dignity of the title conferred upon him; and for this purpose to give and grant to his eldest son the present viscount Lake, and to the two next surviving heirs male of the body of the deceased, to whom the title of viscount Lake and baron Lake of Delhi and Laswary, and of Aston Clinton, in the county of Buckingham, shall descend, an annuity of 2000*l.* per annum, recommends it to his faithful commons to consider of a proper method of enabling his majesty to grant the same, and of extending, securing, and settling such annuity upon the said viscount Lake, and on the two next succeeding heirs on whom the title of viscount Lake and baron Lake of Delhi and Laswary, and of Aston Clinton, in the county of Buckingham, shall descend, in such manner as shall be thought most effectual for the said viscount Lake, and the two next male heirs to the title."—Resolved, That this house will, upon Friday next, resolve itself into a committee of the whole house, to take his majesty's said most gracious Message into consideration.

Sir Richard Strachan's Squadron.] Mr. *Calcraft* wished to know from his majesty's ministers, how far there was any foundation for the rumours so painful to the public feelings, upon that most important branch of the public service, which were lately in circulation. He alluded to the rumours of sir R. Strachan having been obliged to quit his station off Rochefort, in consequence of being short of provisions, and the concomitant report that the French squadron had been enabled to put to sea by the retreat of the blockading force. Though the sailing of the Rochefort squadron would, he hoped, be the means of adding new glory to the triumphs of the British navy, still he was sure that every one who heard him would agree, that if the blockade had been raised from any neglect in supplying the squadron under sir John Duckworth, that neglect was extremely criminal.

The *Chancellor of the Exchequer* had no information of the fact alluded to by the hon. gent. If the hon. gent. wished for any information on the subject, or had received any that he conceived it right to authenticate, his object would be best answered by making a motion, of which he might now give notice. All he could now say, in answer to the argumentative statements and questions of the hon. gent, was, that he was not aware of any such fact as that alluded to by the hon. gent.

Mr. *Calcraft* said, he certainly had received some information which had led him to put the questions he had addressed to the hon. gent. He gave notice that he would on Thursday se'nnight submit a motion, with a view to ascertain the state of the approvisionment of sir R. Strachan's squadron.

[Distillation from Sugar.] The *Chancellor of the Exchequer* rose, in consequence of the notice which he had given, to move that a Committee should be appointed to inquire into the best mode of granting relief to those engaged in the West India trade; and in directing the serious attention of the house to a subject which the whole house, he was convinced, would agree with him in thinking worthy of the earliest inquiry, he did not think it necessary to use any arguments to press it upon their notice. Every gentleman, he was persuaded, would be of one opinion as to the propriety of obtaining all the information that could be collected upon the subject, in order that this information might be followed up by the remedy which might appear to be most applicable to the circumstances of those immediately interested in obtaining relief. The first idea that had suggested itself was, extending the internal consumption of the staple article of West India produce, by rendering it applicable to our home Distilleries. The select committee, which had already been appointed to inquire into the causes of the present embarrassments of the planters, had not, it was true, in their report been very favourable to the opinion, that much relief could be obtained by these means, but he was not without hope that it would be found on farther inquiry, that a measure might be so framed as materially to contribute to the object which he had in view. He thought, therefore, that a Committee should be again appointed, to inquire how far it might be proper to prohibit Distillation from any other articles than sugar and molassess, and whether such a regulation should be extended to England, Scotland, and Ireland, or to England only. But though this was the first question to which the committee ought to direct their inquiries, there were others to which they might afterwards point their attention for the accomplishment of the great object. He concluded with moving "That a Committee be appointed to inquire and report how far, and under what circumstances, it may be practicable and expedient to confine the Distilleries of the united kingdom, or of any part of the united kingdom, to the use of sugar and molassess only; and also what other provision can be made for the relief of the growers of sugar in the British West India colonies, and to report the same, with their observations and opinion thereupon, from time to time, to the house." The motion was carried unanimously, and a select Committee appointed.

Committee on Trade and Navigation.] Mr. *Tierney* rose to move that the house should resolve itself into a Committee of the whole house upon the Trade and Navigation of the country, or, if a select committee was thought preferable, he should have no objection that that course should be followed. The object which he had in view was, that the house should have a full opportunity of discussing the Orders in Council after they were put into a shape and form, in which they were capable of being discussed. At present he did not mean to express either approbation or disapprobation of them. The present was one of the very few instances, in which an administration had brought such a measure before parliament without producing any information, or proposing some step by which information could be obtained, calculated to guide the judgment of the legislature upon the measure on which it was called upon to decide. In other instances, ministers had been rather disposed to challenge, than to shrink from a discussion of their acts, but in the present, the papers had merely been recommended in the king's Speech to the consideration of the house, and it was left wholly in the dark, both respecting the grounds upon which the Orders had been issued, and the effects which were likely to result from them. The right hon. chancellor of the exchequer had thought it was sufficient to bring them forward in a Committee of Ways and Means, where it was impossible to institute any discussion, either upon their principle or tendency, and where they could be regularly considered only as a measure of finance. In this committee it was impossible to discuss either their legality or their policy, or the preamble of the bill. In every measure like the present, it had been the constant practice to submit the grounds of the measure to a Committee. In the American Commercial bill this course had been pursued, and likewise in the case of the Bank Restriction bill a secret committee had been appointed to inquire into the general state of its affairs, in short, this had been the uniform practice in matters of great magnitude and importance, connected either with commerce or finance. He disclaimed all intention or wish, by the present motion, to produce any unnecessary delay; but, conceiving the question involved in the Orders in Council to be of vital importance to the prosperity, and even to the existence of the country, it was material, surely, that the house should know what it was about before it decided upon them. He was ready to admit, for the sake of argument, that it was competent for the king's prerogative to have issued the Orders in Council; he would admit, for the sake of argument, that they were justifiable as a measure of retaliation against the enemy; and for the sake of argument, he would admit, though he certainly was of a different opinion, that they were not inconsistent with the common usage of nations; but, what he wished to know was (and upon this point there was no information whatever to enable the house to form any opinion) what was likely to be their effect upon the trade of the country? In this single point of view, he considered the present as one of the most stupendous questions that ever had been agitated. It involved not a matter of subordinate regulation, not the prosperity of one branch of trade, but the commerce of the whole world, that commerce on which the prosperity and the very existence of England, in its present circumstances, depended. Was it therefore because our present situation was peculiar? Was it because our affairs were in a more critical conjuncture, than they had ever been in before? Or was it because the question was more interesting and more important than any that could be canvassed, that even the most common precautions were not to be adopted, and a decision passed with unprecedented precipitancy? In this country, from the existence of a body of merchants of liberal education, enlightened views, unrivalled probity, and great experience, the house of commons could command means of information upon such a subject, of which no other government was in possession? He wished to know the opinions of the merchants upon this subject. There were many persons, it was true, belonging to this respectable class in the house of commons, but they were prevented, probably, by the circumstance of their not being accustomed to deliver their sentiments in public, from giving their opinions. These, however, they would give before a committee. This information he wanted, and to this information he was entitled. The right hon. gent. had this very day moved for a Committee to inquire into the present state of the West India trade; and not only that, but every other question, shrunk into nothing when compared with the present. Mr. Tierney said, he did not know on what information the right hon. gent. had proceeded in issuing the Orders in Council, but sure he was that he needed information. However well entitled that right hon. gent. was to the praise of great acuteness and much ability in many respects, yet he could not be supposed to be greatly conversant with commercial subjects; and the fact was, that there was not one individual in the present administration to whom the country looked up in matters of trade. It was but fair, therefore, that the house should know from what quarter the information came upon which they acted. Trade was a subject with which the imagination had nothing to do, and on which all theories might be fallacious: here experience was the safe and only guide. He called upon the house to bear in mind, that they might soon, if the course of proceeding was not arrested, be passing a bill, of the merits of which they would be completely ignorant; and if the other house should send down a message, requesting to be informed on what grounds they had acted in so doing, what answer could they give, but that they had complied with the recommendation contained in his majesty's Speech, without examining whether the measure in itself was right or wrong? He did not now ask the right hon. gent. to give up his measure; let him only confess that he had been guilty of an omission; and let its progress be suspended till the house had put itself into a situation to judge of its merits. If, however, in spite of his suggestion, the right hon. gent. persisted in carrying it through, all that he would say was, that he admired the boldness, not to use a harsher word, of the right hon. gent. He must be sensible that the house was now acting upon no better ground than blind and implicit confidence in his judgment; and if he happened to err, the last hope of the country was gone. For if the measure should fail (he did not pretend to say whether it would or not), but if it happened to fail, to what sources did the right hon. gent. look, to supply the defalcation in the revenue which would result from it? The right hon. gent. seemed to think, that it would be the means of compelling the enemy to conclude a peace; but this was simply an opinion, and if it failed in producing this effect, was he sure that it would not diminish our means of carrying on the war; and if it should cripple our revenue, what would he then have to say for having refused information to that house? It would be a poor consolation then, that the right hon. gent. had taken all the responsibility to himself; and that the blame rested upon his shoulders. The right hon. gent. at three o'clock last Friday morning, had refused to accede to the smallest delay, but in the course of the next twelve hours, he had found it necessary to recede from his determination, and he (Mr. T.) was confident, that as he proceeded, difficulties would press upon him at every turning. He even now ventured to predict, that he would be obliged to divide the bill into two parts, and to refer both back to a committee. He wished for nothing that would savour like a triumph over the right hon. gent.; on the contrary, he declared, upon his honour, that he was actuated solely by a wish to promote the interests of the country. Every person must confess, that now they were wholly in the dark, and the house owed it to the country to inform themselves respecting the tendency of it proceedings. It owed this to the country upon many grounds, but upon none more than to shew that it was alive to the distresses of the people. Only forty-eight hours ago a petition, stating these distresses, had been presented to the house, signed by 30,000 people. (p. 692.) He was far from rejoicing that petitions of this description were presented, but when petitions such as that were presented, and, as had been justly remarked by a right hon. gent. not now in his place (Mr. Canning), couched in the most respectful and becoming language, they were surely on that very account entitled to greater consideration. It ought never to be out of the mind of that right hon. gent. nor out of the mind of the house, that there were 30,000 individuals in the country who were in want of bread. The right hon. gent. might say, perhaps, that these petitions were determined on before the Orders in Council were issued, but they surely were a sufficient reason for paying greater attention to every thing which might tend to give relief to the sufferers, and for avoiding any thing which might have the effect of aggravating their sufferings. And was the right hon. gent. sure that the present measure would not increase the number of these sufferers from 30,000, to 300,000. Was he fully aware of their tendency to produce a war with America; and had he taken into his calculation the injury which would accrue from such an event to the industrious and manufacturing classes of the people? Here Mr. Tierney adverted in terms of the highest praise to the able pamphlet of Mr. Baring, and asked if any merchant would take upon him to controvert the statements and opinions which it contained? He called then upon the right hon. gent. to look at the situation of 30,000 men, who told him that they were in want of bread, notwithstanding the advantage they derived from living under the most indulgent masters, who were smarting under the pressure of every kind of difficulty, and when he did that, to say, whether he would persist in refusing to refer to a committee a measure by which it was at least possible, if not probable, that this difficulty might be greatly enhanced? Was not this such an extensive question of trade as to require the most extensive investigation? To this question he begged that he would say aye or no. If he was of opinion that it would be better to discuss it in a select or secret committee, he (Mr. T.) should have no objection to either; but do not let him hold out the house of commons to the country as careless and indifferent about a subject connected with its most important interests. To this proceeding Mr. T. shewed there could be no objection, whether he considered it as a question of general policy or merely as a question of revenue. But as it was, the right hon. gent. had first issued the Orders, then he had advised the prorogation of parliament, lest it should have an opportunity of taking cognizance of them too soon, and afterwards, when it did meet, he would not give the house of commons an opportunity of discussing them. This was the course which the right hon. gent. had pursued, and instead of blaming, he ought to thank him (Mr. T.) for endeavouring to turn him from it. He assured the right hon. gent. that it was idle to attempt to run a race of privation with the French; in the first place, because they were better accustomed to privations than we were, and in the next place, because he knew no class who were more susceptible to any species of hardship than the merchants, who would be first affected by this measure. He did not mean to say that they were at all deficient in loyalty, or that they were backward in contributing their full share to the wants of the country. But in order to make these contributions, they must have profits, and without profits it would be vain to make an appeal to their patriotism. The right hon. gent. did not contend that the measure was calculated to mend the present state of our commerce. [Here the chancellor of the exchequer seemed to dissent.] Well, said Mr. T. so I understood him; but if he really thinks that it will improve our trade, why is he unwilling that evidence of this should be given before a committee? Does he pretend to "do good by stealth, and blush to find it fame?"—But all that he understood him to expect was, that it would open a profitable career of smuggling, and he should be glad that his expectations were even so far well founded. In short, he confessed himself totally at a loss even to divine the motives of the right hon. gent. for his present mode of proceeding; but, whatever this might be, which he had no means of knowing, he conjured the house before granting its sanction to a measure of such magnitude, to avail itself of the information which it had the means of obtaining, and which was essential to regulate its judgment instead of putting every thing to hazard by a hasty and precipitate decision. He called upon the right hon. gent. in particular, who was prevented by scruples, which he was most ready to admit were sincere and conscientious, from conciliating the people of Ireland by a liberal and generous system of policy, at least not to encrease their present irritation by a measure which might seriously affect their trade. He concluded with moving, "That the house do resolve itself into a committee of the whole house, on to-morrow se'nnight, to consider of Trade and Navigation."

The *Chancellor of the Exchequer* said, if the objections so repeatedly made to the Orders in Council were only to prove vexatious to himself, he should not much regard them. With respect to these Orders they were expressly laid before the house, for the purpose of some practical measure being adopted upon them. He had been of opinion that this measure should be the imposing of certain Duties, and he had accordingly moved, that they be taken into consideration in a committee of ways and means. The right hon. gent. had said, it was sufficient to satisfy him if a fair opportunity was given for discussing the measure. Now, he would venture to say, that no man could have witnessed the proceedings in that house without acknowledging that such opportunity had been afforded in the most ample manner. How far these Orders in Council were agreeable to law; how far they were consistent with policy, not only had been open to discussion, but had actually been repeatedly discussed. On the first day, when he moved to have them referred to a committee of ways and means, both these points had been argued. It was there open to any member of that committee to move any measure he chose upon them, and to endeavour, in any manner he thought proper, to prevail on the committee to adopt his view of the case. Supposing the committee to have been of opinion that the Orders in Council were so impolitic that they ought not to be acted on, could there be a doubt that they might have refused to sanction them, and might have ordered such information as they deemed necessary to support the opinion they had formed? But the right hon. gent. said, that ministers had acted with unbecoming boldness in taking this measure, intirely on their own responsibility. He denied they had done so. He referred to the house if, on the contrary, they had not submitted arguments to the house to shew that the measure was justifiable in law, and consistent with sound policy. The right hon. gent. had said, when petitions with 30 or 40,000 names adhibited to them, were lying on the table of the house praying for peace, was it becoming to shew an indifference to peace, or to a subject so materially calculated as the present must be to affect the situation of the persons so applying? The right hon. gent. however, at the very same time had anticipated the answer to his own question, by supposing that he (Mr. P.) might say, that though these petitions had not been presented till after the passing of the Orders in Council, they had been prepared long before. This was his answer, and he thought it sufficient to prove that the Orders in Council could in no respect have contributed to the grievances complained of in these petitions. When, therefore, the right hon. gent. stated, that the government of this country was running a race of privations with our enemy, he could not sufficiently express his admiration and astonishment. The privations which the people of this country suffered, arose from the measures of the enemy. The measures since adopted by this government were not resorted to for the purpose of running a race of privations with the enemy, but to make him abandon the measures he had adopted, and to cause him to feel what must otherwise have been alone felt by this country. He, the right hon. gent. declared, if he thought the course pointed out better than the one which the house already had, and must still have, in the course of the different stages of the bill to pursue, he would not be withheld, by any idea of false dignity, from agreeing to it. As he had stated, however, the house had already had full opportunities of arguing the question, and three more would occur in the course of the bill now before the house: so, unless there was something in the objection as to the want of form, which could not be got over, he was of opinion the motion of the right hon. gent. was unnecessary. As to the point of form, he was thoroughly convinced there was nothing peculiar in a committee of ways and means, which precluded gentlemen from there discussing the merits of the measure, and as to the observation addressed to the chancellor of the exchequer for Ireland, he could only say, that he did not esteem that the proper course of proceeding, and should not recommend it to his right hon. friend.

Dr. *Laurence* said he should be happy if by the discussion of the present question one day of reflection could be gained to the house to consider of the ruinous measure they were about to adopt. Form, he was of opinion, should at all times be regarded; it was often the only barrier to oppose to rashness and overweening confidence. Was not the present a measure which went to overturn every part of the Navigation Acts? It was at the same time so much of an experiment that the right hon. gent. himself could not even give a name to the amount of the duties which it might be supposed to produce. If he could not tell us this, it was impossible he could tell us what the effects of the measure would be in other respects: and were we not, before we allowed every thing to be put upon the cast of a die, to inquire if it was likely to answer any good purpose? Something had been said as to the Petitions for Peace, now lying on the table. He was one of those who never could recommend such petitions, being satisfied that they had a tendency rather to put to a greater distance the object they had in view. But was it not of consequence that we should hesitate when such petitions were before us, and not run headlong into an act calculated to lead us into a new war, and that, too, with almost the only power with whom we were now at peace?

Mr. *Adam* could not agree with the right hon. gent. opposite (the chancellor of the exchequer), either in the answer he had given to the speech of his right hon. friend, or in the advice he had given to the chancellor of the exchequer for Ireland. He thought the house had committed an error which it should correct; and that it would commit another error if it followed the advice of the right hon. gent. as to Ireland. The Grand Committees belonging to this house were introduced in the best days of our parliament. To involve the Committee of Finance, or the means of making good the Supply to his majesty, with the Committee of Trade and Navigation, was to root up and destroy one of the most salutary privileges of that house. When any measure was to be brought before the house, they knew its different stages for discussing the principle and detail. But when Grand Committees were established, one additional stage was granted, attended with this advantage, that members were not limited as to the number of times they might speak on the principle of the measure in one sitting. The question was, had this been done in the present instance in the proper committee? It was said, it had been discussed in the committee of ways and means. If so, he contended, that was not the proper place. To discuss the question with propriety three different heads presented themselves—finance, legality, and policy. How was it possible that the two last of these could be at all considered in a committee of ways and means, where nothing but finance was cognizable? He should state a fact, which, in his opinion, was decisive of the question. In the year 1731 it was found necessary to change the duty on Irish linen from the fund in which it then stood to the aggregate fund. It was impossible that any thing could have a greater relation to finance than this, yet, by the advice of a gentleman who then sat at the table of the house, than whom none was ever more competent to point out the proper mode of proceeding, it was resolved that the house should in the first instance go into a Committee of Trade, to which it was properly considered that every thing relating to trade, though it might latterly become a subject for financial regulation, primarily belonged. He should suppose a case, that his majesty might be advised to make an alteration in our courts of justice, and to connect with such alteration a question of revenue. He would ask, would it be allowed, would it be borne, that such proposed alteration should be taken into consideration in a committee of ways and means? He felt himself called on to say, if the house laid it down that the measure in question had been properly taken into consideration in the committee of ways and means, and that a similar mode of proceeding ought to be adopted as to Ireland, it would lay down a principle which would equally apply to the Grand Committees of Justice, Religion, &c.

Mr. *Rose* thought the hon. and learned gent. had confounded the Grand Committees with the Standing Orders of the house. When there was any material innovation made, then it was proper that the measure should go through a committee of the whole house. Here there was no innovation: it was only a due exercise of the king's prerogative. He did not say that the exercise of such prerogative was not to be inquired into by parliament; but here opportunities of doing so had been afforded.

Mr. *Ponsonby* said the practice of the house had been, that questions of navigation, trade, justice, religion, &c. should be considered by committees of the whole house. The right hon. gent. who spoke last had supposed that the present measure stood in a different situation in consequence of its flowing from the king's prerogative. He would ask, could any exercise of the king's prerogative be figured in which that house not only was not intitled, but even in which it was not absolutely bound to interfere, in order to see that his majesty had been well and properly advised? Here his majesty had expressly referred the Orders in Council to the house. His majesty had not desired, or even suggested to the house, what sort of measures it was his wish should be adopted, but had simply referred them to the consideration of parliament. In that situation it became the duty of the house to proceed to the consideration of the business in the most regular and parliamentary manner. He should state a case from the Journals, arising out of one of the most unexceptionable and undoubted prerogatives of the crown, which he believed did exist, and which he presumed to think was not by any means so important in its nature as the present—namely, the making of a treaty, which sufficiently pointed out the mode of proceeding in such cases. In his majesty's Speech in the year 1787, he found a passage stating, that his majesty had concluded a treaty of Navigation and commerce with his most Christian majesty, and that he recommended to parliament to adopt the best means of carrying it into effect. How did parliament act in consequence of this reference? Did they carry it into effect, as ministers had now done? Did they proceed to bring in a bill directly? Or did they refer the treaty to a committee of ways and means? They did neither. They proceeded in the way that was proper and established. They resolved that the house should, on a given day, resolve into a committee of the whole house to consider so much of his majesty's speech as related to navigation and commerce; and they referred to that committee to see, if the king had been properly advised in the exercise of his prerogative in concluding that Treaty. On the 21st of Feb. following, the committee of the whole house approved of the exercise of the royal prerogative, and appointed a committee to prepare an address, notifying to his majesty their approbation of the exercise of his prerogative. They then referred to the committee of ways and means, for the purpose of enacting resolutions of finance. There was no doubt, however, that the business had been conducted directly in the face of the regular proceedings of the house. It was impossible, in a committee of ways and means, to enter into the merits of these Orders in Council, or to judge in that place, whether his majesty had been properly advised in the exercise of his prerogative. The justice or propriety of the measure could never, there, be decided on with effect. In a committee of ways and means, nothing could be examined into which was not referable to duties. What his right hon. friend had said was perfectly apparent, that this was a question of the greatest importance, infinitely more so than that of a treaty of navigation and commerce. In the present measure all the world was interested; yet here we had neglected what we had done in cases of much less importance.

Mr. *Tierney*, in reply, did not deny that the house had had opportunities of discussing the question as to the merits of these Orders in Council; what he complained of was, that they had never been allowed an opportunity of deciding on them. In a committee of ways and means they could have no means of deciding on any question. They could not command any materials for that purpose, nor could they effectually touch on any thing unconnected with finance, unless they had received special instructions to that effect. It had been said, that there was nothing in this measure contrary to the navigation laws. He would ask, was it nothing contrary to the navigation acts to force a vessel out of her tract to this country, and then to tell her you may proceed to the place of your destination, but you must leave the most valuable part of your cargo behind you? This he considered to be not only a novelty, but also to be a novelty which was perfectly disgraceful to this country. He still maintained, that merely because the measure related to trade it must originate in a committee of the whole house, and not in a committee of ways and means. If the committee of ways and means, where no instructions had been given, would enable all proper steps to be taken for deciding on the justice and policy of the measure, as well as on its financial merits, then he was wrong; if it could not, then he was right. He recollected a bill having been introduced by the lord advocate of Scotland, during the last parliament, for altering the practice as to Teinds in Scotland, in which the Speaker interfered, and put the learned lord to rights as to the form;

it being requisite that such bill, as affecting religion and also justice, should originate in a committee of the whole house. He conceived the present bill to stand in a similar situation, and he begged to have the opinion of the Speaker on this point.

The *Speaker* thought that the rules of the house were sufficiently clear on the subject, and that it was only the application of them that could be dubious. With respect to Grand Committees, near a 160 years had elapsed since any report had been made by one. The standing order of 1770 was the rule by which the house was now governed; that order said, that all matters of trade should originate in a committee of the whole house. It was true, however, on the other hand, that until these very few years the committee of ways and means had not been so separately employed on ways and means alone as to exclude from their discussions every other subject. Now, certainly the practice of the house was, that not any thing should come before the committee of ways and means but what related to the duties to be granted to his majesty. In that committee, however, it was perfectly competent to any member to use all the arguments and inducements, direct and collateral, which were calculated to produce assent to or dissent from the question agitated. Undoubtedly, evidence could not be examined in that committee; but should evidence be deemed indispensible, the chairman might report progress, and the house, if they thought fit, might go into a larger scope of enquiry.

Mr. *A. Baring* conceived the regulations in the bill to be a complete innovation of the navigation laws. It was a bill not of finance, for the right hon. gent. could not name the amount of the duties to be expected from it; but it was a bill of regulation and prohibition, which never could originate in a committee of ways and means. It was a financial measure in appearance only; in reality it was a measure of commercial regulation, and that, too, of the very greatest importance. He had only got the bill to-day, and hoped it would not be pressed forward this night; but that a committee of trade would be appointed to consider it.

Earl *Temple* wished to know, whether the duties imposed by the bill could, if the bill were passed, be petitioned against by the persons interested, during the present year? The answer would show what was the character of the bill.

The *Speaker* observed, that the bill came before him only as a revenue bill, and consequently that the duties could not be so petitioned against. The house then divided:—

For Mr. Tierney's motion	55
Against it	118
Majority	63.

[Orders in Council Bill.] The house resolved itself into a committee on the Orders in Council Bill. On the first clause of the bill being read,

Mr. *Tierney* took an opportunity of censuring the incongruity between the bill and the American Treaty bill, that had been recently passed, which he contended were in direct contradiction to each other.

The *Chancellor of the Exchequer* replied, that there was no inconsistency in the bills to which the rt. hon. gent. had alluded. The American Treaty bill went merely to continue the provisions of an act that was shortly to expire, and as that was a measure to which America was no party, and contained a clause for its amendment or repeal in the present session, any alteration which the legislature might think fit to make in it could not be a violation of any engagement with America. The bill then before the house would have the effect of repealing only one or two clauses of that bill, whilst the remaining clauses it contained would still continue in force.—After some further conversation the clause was agreed to.

On the clause enacting certain duties on Cotton Wool or Yarn, and Jesuits bark, being read,

Mr. *Whitbread* rose to move, that the words 'Jesuits Bark' be omitted. He did not think it very necessary to examine minutely the details of the bill, believing that it could never be executed, as a war with America would probably be the consequence. But he wished to mark his most decided disapprobation of the principle of the prohibition, as far as it regarded the bark. In the first place, the right hon. gent. was deceived in supposing that there was such a want of bark on the continent. He had said, that bark had risen in France from 10 to 70*s.* the pound;—but that which bore the higher price was not the common bark, but the red bark, which was always dearer. There was no reason whatever to suppose that the pressure from want of common bark would be such as to be an inducement to the enemy to apply for peace. The continent, according to the intelligence which he had received, was well supplied with bark, and with sugar for two years consumption, so that it must be a long time before the right hon. gent.'s scheme could operate. Sugar was cheaper there than it had been this time 12 months. Upon the view which the right hon. gent. had of the subject, therefore, his measure was the most childish and nugatory that could be conceived. In another view, however, it was most detestable, for it was a war with the helpless, the sick, and the hospitals,—one at which the feelings of all mankind would revolt. It was reviving the savage practices of remote antiquity, and substituting them for that modern civilization which rendered even war itself less horrible. Bark grew in our enemy's colonies, and though the right hon. gent. should send tens of thousands of poor sick persons to their graves, yet the enemy would have the means of a severe retaliation, for they might say, that we should have no bark from their colonies. But, did the right hon. gent. know so little of the science of medicine, as not to have heard, that there were many substitutes for bark? There were many instances in history to illustrate the bad effects of an atrocious and malicious hostility of this kind, and the good effects of generosity. It was not very long since an application was made for bark by France to this country; and the answer was, that they might have as much as they could carry away. But this turned out to be a mere private speculation; for so little was it wanted, that the French government prohibited its entrance. He sincerely hoped that this part of the bill would be given up. If you prevented the removal of disease, you must, on the same principle, wish its increase; and this principle would lead to the promotion of pestilence, poison, and assassination. If it once became the policy of this country to starve the continent, the evil might be visited on ourselves. The ports of the Baltic were shut; and we were provoking a war with America, while we might be in want of corn. If we pressed this, they might say that we might starve; and reap in that fatal vengeance the fruits of our own detestable policy.

The *Chancellor of the Exchequer* observed, that the arguments of the hon. gent. applied to the provisions of another bill which it was his intention to bring in, not to the clause under consideration, which went only to impose a duty on the exportation of Jesuits Bark. But the statement of the hon. gent. refuted itself. If France had the supply he asserted, France could suffer no practial inconvenience from the measure. The information upon which he acted, however, represented France as much in want of bark, and that there were many orders received in London for the supply of that article to the continent. As to the policy of the prohibition, he should state that his object was, that as the exportation would be permitted by licence, under certain circumstances, France should not be allowed to receive that article, without taking, at the same time, other articles from this country. The effect expected, was to break down that barrier which France had raised against the commerce of this country. There would be no difficulty felt in obtaining any quantity of this article, the moment the enemy took off his prohibition from the importation of other articles; the inconvenience, therefore, which might be felt, was not to be imputed to this country: what difference, he would ask the hon. member, was there between this article and articles of necessary sustenance?

Mr. *Lushington* stated the price of bark at Amsterdam, at different periods since Nov. in order to shew, that the price would not be enhanced by this measure, the price in Nov. having been 10*s.* per pound, and at the latest account, 25*s.* for the very best quality.

Mr. *Herbert* said a few words against the clause: he saw no insuperable obstacle to the restoration of peace, but the obstinacy of ministers.

Mr. Secretary *Canning* justified the principle of the clause, because, though innocent persons might suffer by its operation, there was no mode of warfare in which that was not the case. If the hon. gent. could devise any mode of carrying on war, by which the injuries would be made to fall not on the innocent but on the guilty, they would bestow a benefit on mankind. He was at a loss to distinguish the privation under this measure, from the privation of necessary support from the civil inhabitants of a besieged town. We were justified in retorting his measures upon the enemy, and on this ground we should be justified in the complete prohibition of the exportation of bark. The measure was not intended to promote the greatest possible degree of affliction amongst our enemies; God forbid! the object was to endeavour to bring the system acted upon by the enemy to an end. The statement of the hon. gent. that France had sufficient bark for two years consumption, depreciated the whole of the other part of his argument. Even on the shewing of the hon. gent. (Mr. Lushington) opposite, the price of bark had risen considerably on the continent, and the statement respecting the plentiful supply of sugar on the continent was so improbable in itself, that it could not be credited without the strongest evidence. A war of this kind was detestable, he admitted, but unfortunately it was the only means left for procuring a solid peace. The guilt rested with the enemy.

Mr. *Whitbread* observed, that if the committee agreed to the proposition of endeavouring to prevent bark from reaching the continent, instead of throwing the odium of a want of humanity on the character of Buonaparte, we might most probably find that there would be too just ground for founding a reflection on the character of our own country. The emissaries of Buonaparte might go to the hospitals, and say, 'here is an English act of parliament; you see what it is that prevents you from obtaining a remedy for your complaints.' He put it to the honourable feelings of gentlemen on the opposite side, whether the enemy would not at least have an opening here against us? [Here some significant gestures were made use of by some of the gentlemen on the treasury bench.] He was not surprised that the editor of a celebrated Manifesto, or that the bombarders of Copenhagen, should express some disapprobation at the mention of this circumstance. For his own part, he recollected when it was generally supposed, and by some, he believed, it was hoped for, that the French army were likely to be destroyed by a dysentery; and if he, who was rather favourable to the old morality, were to be asked what he would do, if in such a case he was in possession of such medicine as would be likely to relieve them, he would answer, he would give it to them; he would do so not only from motives of humanity, but he was also convinced it would be beneficial, in a political point of view. Some gentlemen took up and laid down the cloak of morality so frequently, changing as it suited their purpose, that he could not say what might be their opinion at the present moment. But he would say, that in a book which a right hon. gent. last week despised, it was related, that at the siege of Jerusalem, the famished inhabitants were permitted to come out. In more modern times, we might recollect a circumstance which was more immediately applicable. The French convention decreed, that no quarter should be given; did the English government retaliate by the passing of a similar decree? no: What was then the consequence? The consequence was, that the French soldiers refused to put the sanguinary order of their government into execution. Here, then, was an object of policy likely to be gained by mitigated rigour towards an enemy, exclusive of all ideas of principles of humanity. But the house would here pardon him for mentioning a circumstance which this brought to his recollection. He was informed, that soldiers were convicted of acts of gross misconduct whilst they lay before Copenhagen. He was not aware of the facts to which he now alluded, at the time of the Thanks being voted to lord Cathcart, or he should have mentioned them. For he was informed, that after these men to whom he alluded were tried and convicted, they were not only not punished immediately before the enemy, but they were released and suffered to go at large. This was a subject which required further elucidation, for the sake of the honour of the nation, which was sufficiently, he should have thought, tarnished by the attack itself, without such acts of aggravation.

Mr. *Wilberforce* was of opinion, that one consideration might alone decide the question. It was hoped, that we should be likely by this means in some degree to weaken the military force of Buonaparte. But, was it not to be fairly concluded, that he, both as an object of policy to preserve his strength, and with a view to increase his popularity with his soldiers, would at all events procure them this medicine if it were necessary. The odium would then be cast upon us, and his character would be exalted, so that the means were not calculated to accomplish the desired end. The general of a blockading army might fairly hope to make some impression on the besieged army, or that he should be capable of making the general of the garrison sympathise in the feelings of the suffering inhabitants; but could it be supposed, that a similar impression would be made on the feelings of that general who at present commanded the great garrison of the French nation? The measure might possibly excite a more general union of hatred against the English nation amongst all ranks of the French people; it might add to the ferocity or unfeeling character of the contest, but it could not possibly be the means of putting an end to it. He therefore supported the amendment.

General *Gascoyne* observed, that with respect to the circumstances which an hon. gent. had related as having occurred at Copenhagen, it was to be recollected, that at courts martial appeals were frequently made to the mercy of the commander in chief; there might be some circumstances in mitigation of punishment which had not reached the ears of the hon. gent.

Sir *A. Wellesley* reminded the house, that it was impossible to prevent acts of improper conduct at all times in an army. As to the facts alluded to, he believed that after the persons had been tried, some doubt remained on the mind of the noble lord who held the chief command. In that case it was not to be contended that the noble lord did wrong to hesitate, before he put judgment into execution. The case he was informed, was now under the consideration of high legal authority.

Mr. *Whitbread* stated, that he alluded to three distinct charges, namely, robbery, rape, and murder.

The *Chancellor of the Exchequer* said, that it would have been much less grating to the feelings of the noble lord, whose name had been mentioned, and it would give him a fairer opportunity of instructing some member of that house, as to the particulars, so that he might be able to speak in his behalf, if it was made the subject of a specific motion, of which notice should be previously given. As to the case which the hon. member alluded to, there were some doubts as to a point of law, which was referred to the consideration of some of the highest legal authorities.

Mr. *Whitbread* then gave notice that he would, on an early day, bring the question before the house.

The *Attorney General* stated, in corroboration of what had been said by the hon. bart. that the powers of the commander in chief were now under the consideration of the highest legal authority in the kingdom, and the inclination of opinion was, that they did not authorise the execution of the punishment. In a country governed by law, it could not be matter of surprise that when punishment could not be legally inflicted, the individuals, however morally guilty, should escape punishment.

Mr. *D. Giddy* spoke in favour of the Orders in Council, as consistent with the law of nations and the municipal law of the land, and consequently should give his support to the clause.

Mr. *Tierney* proposed to take the sense of the committee on an amendment which he should move, for leaving out the words "cotton wool, or yarn," after his hon. friend had taken the sense of the committee on the propriety of omitting the words "Jesuits Bark."

Sir *C. Price* asserted, that the price of bark at Paris was, at present, what it had been stated to be by the chancellor of the exchequer, 70*s*. per pound, and that there were unlimited orders at this moment in London, for any quantity of that article that could be supplied.

Mr. *A. Baring* observed, that gentlemen need not be so extremely tenacious of the provision, that was here alluded to; for if only one ship laden with bark were to arrive safe, it would be sufficient for the whole continent.

The *Advocate General* supported the principle of the Orders in Council, and the enforcement of these prohibitions, on the maxims of the law of nations, which authorised a belligerent to re-act upon its enemy the severity of its own means of annoyance.

Sir *A. Piggott* argued ably against the principle of the bill, as subversive of the essential interests of justice. He considered it nothing short of the most violent outrage, to arrogate a right of confiscation over an innocent neutral, although he had not violated the provisions of a blockade, or in any degree contravened the Orders this country had issued. Still such an effect did follow from the new system of ministers: and therefore he should take every opportunity of declaring his decided hostility to it.—The question being loudly called for, a division took place, first upon the amendment of Mr. Whitbread, relative to the prohibition of Jesuits Bark, when the numbers were—Ayes 78; Noes 165; Majority against the Amendment 87.—A second division then took place on Mr. Tierney's amendment, relative to the prohibition of cotton yarn, &c. when the numbers were—Ayes 76; Noes 167; Majority against the amendment 91.

HOUSE OF LORDS.

Thursday, February 25.

Brazil Trade Bill.] On the second reading of the Brazil Trade Bill, Earl *Bathurst* observed, that some misapprehensions had existed with respect to sugar from the Brazils coming into competition with the sugar from our own colonies, in the home market, and thus injuring the West India interests. This, however, would be effectually prevented by the high duties imposed upon foreign sugar. His lordship urged the importance of the trade with the Brazils, whence might be derived cotton, tallow, and various other articles, and which might also be of essential benefit to our colonies, as a vessel trading from this country to the Brazils might take in there a cargo of articles of provision and lumber, of the latter of which there was a plentiful supply in the Brazils, and carrying them to our colonies in the West Indies, it might from thence bring home a cargo of colonial produce.

Lord *Auckland* adverted to the state of the sugar market, hoping that it would not be still further depressed. His lordship stated from the information he had been able to procure, that the quantity of sugar produced in the Brazils, was about 73,000 hogsheads, the quantity produced in our own colonies, was about 280,000 hogsheads, the latter of which was already about 70,000 hogsheads more than our own consumption required, and with respect to the use of the surplus in the distilleries, he observed, that the whole distilleries of the united kingdom would not consume more than 12,000 hogsheads. With respect to cotton, he believed the produce of the Brazils to amount to 24,000,000 pounds, that of our own colonies was about 16,000,000 pounds: he was ready to admit this part of the trade to be of very great value to this country.

Lord *Grenville* observed, with respect to the idea of making this country an entrepot for colonial produce, that it would be found impossible to force upon the continent, that quantity of colonial produce which it would consume under other circumstances, and with a direct trade. He did not view this bill precisely in the same light as his noble friend, and if considerations arising out of the situation of the prince regent of Portugal and his connection with this country, induced him not wholly to oppose it, he must still give a decided opinion with respect to some circumstances connected with it. As to the idea of the noble lord, that corn and lumber could be procured from the Brazils for our West India colonies, he thought it was not to be expected, nor did he conceive it possible, that under the present circumstances of the Brazils, any attention could be paid to the cultivation of corn or the cutting of lumber, particularly under that system of cultivation which would be adopted there, namely, by means of slaves, continually imported; it was rather to be apprehended that, from the fertility consequent upon breaking up new lands, so large a quantity of sugar might be produced, as greatly to diminish the price of that article. It was upon this system of importing slaves that he founded his principal objection to the bill. His lordship briefly recapitulated the proceedings of parliament with respect to the abolition of the Slave Trade; and observed, that that act would confer immortal honour on the parliament that agreed to it, and would be remembered when all party disputes and dissentions were forgotten. Ministers, he contended, ought to have followed up that act, and the address to his majesty then voted, by refusing to enter into any commercial engagements with the Portuguese government unless it consented to abolish the Slave Trade; otherwise British capital would be employed to a great extent in carrying on this detestable traffic to the Brazils, which would thus derive great benefit from which our colonies were excluded. The legislature had decided, that whatever commercial benefit might be derived from that trade, nothing could justify the inhumanity of its continuance. The Brazils must exist as an independent state, by the protection afforded by the British navy; was it then to result, that notwithstanding the act of the legislature, this trade was to be allowed to be carried on by British capital, and under the protection of the British navy; and this too for the still further increase of produce, of which there was, unfortunately, too great an accumulation in our own colonies? Every consideration of humanity, justice and policy, required in his opinion, that ministers should have made the abolition of the Slave Trade a previous condition to entering into any commercial engagement with the Portuguese government.

Lord *Hawkesbury* observed, that the trade in the Portuguese colonial produce, had been previously carried on through the mother country, and the colony having become the seat of government, there was no principle upon which these commercial arrangements could have been refused. As to the Slave Trade, his opinion upon that subject was well known;

but the abolition of that trade having become an act of the legislature, it became the duty, and it was the wish of the executive government, to carry that act into effect, and to use every means to carry into effect the object of the address to his majesty, with respect to inducing foreign powers to abolish that trade. The circumstances in which the Portuguese government had been placed, and the departure of that government for the Brazils, had hitherto precluded any attempt to enter into negociation with a view to attain that object. It was scarcely possible to prevent British capital from being embarked in this trade, carried on to the Brazils; but no opportunity would be lost by the executive government, in endeavouring to procure the consent of the Portuguese government to abolish the trade. It could not be expected of him to enter into any discussion upon the supposition of a refusal on the part of the Portuguese government to consent to such abolition.—The bill was then read a second time.

[Orders in Council.] The Earl of *Carlisle* made his promised motion relative to the illegality of the Orders in Council. He adverted to the point which he had before stated to the house, respecting a contradiction between the Order in Council of the 25th of Nov. and the act of the 7th Geo. III. c. 43. By that act, certain enumerated articles were prohibited to be exported from the Isle of Man, under the penalty of the confiscation of the vessel. By the Orders in Council it was declared, that any articles might be exported from the Isle of Man to any ports except those of this country. This he conceived to be clearly a contravention of the statute. He did not mean to charge ministers with any thing else, but he thought it was incumbent on them to come to parliament for a bill of Indemnity. He trusted that against this the king's war prerogative, of which much had lately been said, would not be urged, nor the right of retaliation. It might be said, that his objection was trifling; but it should be remembered that it was the first fissure in a bank which let in the overflow, and thus the first contravention of the law, by the privy council, however trifling in itself, ought to be met in a decided manner, lest it might lead to consequences injurious to the constitution. His lordship concluded by moving a Resolution, which, after stating the enactment of the act of the 7th Geo. III. and the provision of the Order in Council respecting the Isle of Man, concluded by stating, that the latter was a manifest violation of the former.

The *Lord Chancellor* contended that the Order alluded to was not only not a breach of law, but actually within the comprehension of the very statute to which the noble earl applied the violation.

Lord *Grenville* observed, there was an end of the constitution of parliament, if the privy council assumed to itself the power of legislation.

Lord *Hawkesbury* opposed the motion, and considered the principle of those Orders to have been fully discussed, and their execution approved of by the assent of parliament.—Lords Erskine, Auckland, and earl Grey, supported the motion, and contended that the law of the land had been violated without any ground of necessity that could entitle ministers to ask parliament for a Bill of Indemnity.—The motion was then put and negatived.

[Protest.] Against the rejection of the above motion of the earl of Carlisle, the following Protest was entered in the Journals: viz.

"Dissentient—Because the proposition stated in this motion is evidently and undeniably true.—We conceive the proper mode of interpreting the laws of our country, and the acts of its government, to be according to the plain sense of the words therein contained.—The words of the Order stated in the motion expressly declare, That the articles therein mentioned may be exported to certain places there referred to; and the statute of the seventh of his present majesty does, in terms equally explicit, prohibit such exportation.—" And we conceive that any case of an Order issued by his majesty in council, contrary to the statute law of the realm, is a matter of such importance as to require the most serious attention of this house. (Signed) Carlisle, Grenville, Erskine, Spencer, Lauderdale, Gray, Auckland, Wentworth, Fitzwilliam."

HOUSE OF COMMONS.

Thursday, February 25.

[Expedition to Copenhagen.] Mr. *Sheridan* rose and observed, that out of regard to the convenience of others, he had more than once postponed his motion; and there were many considerations which made against its being brought forward at so late an hour. But even if the hour were later, he would now persevere, and submit to the house a proposition which appeared to him of the first importance. In rising, however, to lay that proposition before them, and to state the reasons on which it was founded, he confessed, at the outset, that he entertained no very sanguine hopes of success. He had no very sanguine hopes of success, because he had seen that motions founded certainly on as strong reasons as he could possibly urge, had been negatived; because he had observed a very peremptory determination on the part of ministers, and a very pliant acquiescence on the part of the house, to refuse the most essential information on the most important points. His hopes were, besides, not sanguine, because he had communicated the subject of his motion to his right hon. friend (Mr. Canning), at his request, and had received no very flattering expectations of a favourable result; and one could not help remarking that in proportion as the ministers manifested a determined obstinacy in withholding information, they insisted upon the courtesy of having previous notice of the different motions brought forward, under the pretence of putting them in a better shape; but he much apprehended, rather with a view to have a more exact knowledge of the particular subject of each, in order to defeat their object.—The house being, then, disposed to agree so far with ministers in denying all material information, he did not think it necessary to detain them long, and he would tell them why; the house had never yet been pledged in any direct approbation or censure of the measures respecting Denmark. Ministers had, indeed, with a great deal of craft, on the different applications for information, turned the discussions to the question of the merits. In the motion which he had to submit to the house, he might take advantage of this practice, and enter at large into the general subject. But of this opportunity he was not disposed to avail himself, since an hon. friend of his (Mr. Sharpe) had given notice of a motion which was to come on so early as Wednesday next, when the merits would be brought regularly and fully under discussion; for, though the ministers had surreptitiously, he must say, on the first day of the session, procured an implied approbation, yet, certain it was, that the house had not as yet been directly pledged, either one way or the other. The time, however, was near when the subject would come under the review of the house, and for that reason he would not enter fully into its merits at present. He had, he declared sincerely, entered with the greatest reluctance into the condemnation of the principle of the attack upon Copenhagen. He had before said, and said truly, that on the first day of the session he had come down to the house, with a most earnest hope that ministers would be enabled to justify themselves by some kind of information at least; for it must be odious to a man to be enabled to make out a case against his country. He had hoped first, that strong information would be given, which would prove the measure to be an act of necessity, or that some unequivocal instance of the hostility of Denmark would be shewn; or, lastly, that every proof would be produced, which could afford a tolerable pretext for their conduct. But, when he found that instead of this, they only made an aukward attempt to form something of a mixture out of the whole three; that they first pretended a strong state necessity; that on being driven from this, they tried to point out a variety of provocations on the part of Denmark; that they then said that it was necessary to do some stout act, which would prove to the world that they could imitate Buonaparte; and that the result of the whole was a total denial of all actual information whatever; he could not then disguise the unfavourable impression which had been made upon his mind. He maintained, that there never was a case in the history of England, when a war was commenced, with all the taxes and privations to which it subjected the nation, where such a denial of all information as to the causes and grounds of it had been manifested. The house ought not to run away with the idea that the granting of information was dangerous; an allegation which was ever ready on the lips of those whose purposes required concealment. It led, they said, to the exposure of the fortunes and lives of those who gave it, and the correspondence of our ambassadors ought not to be laid open to general inspection. But, admitting that the granting of information might sometimes be inconvenient, perhaps even dangerous, still they overlooked the vital principle of our free constitution. Publicity was the very essence of that constitution. Despotic governments certainly had some advantages from that secret lurking manner in which business might be there transacted. But we ought to balance the advantages of the different forms of government; and consider whether, without those peculiar conveniences enjoyed by a despotic government, we had not advantages ten thousand times greater. On these grounds, he would call the attention of the house to three points: 1st, Such communications as had been made of the correspondence between our late government, and our minister at Copenhagen, consisting of two parts; that which had been produced entire, and the extracts which had been read here. He really wished to shelter his right hon. friend (Mr. Canning) from the strong rebuke which he had met with from a high authority in the other house, as having lost sight of his duty. That would probably be overlooked here, if he did his duty in this house. 2dly, The small portion of information which had been laid on the table: and, 3dly, The information which ministers had refused. As to the first of these points, his right hon. friend, in whose public conduct he felt a sincere interest, had read an extract of a letter from lord Howick, which called down the rebuke to which he had adverted; he then read extracts of the letters of Mr. Garlike, and left the house to gather from them, that the intentions of Denmark were hostile. Unless the papers were produced, there never was so foul a quotation as those in both instances. He did not say that his right hon. friend absolutely read from the letters, things that he knew to be contradicted in the next paragraphs; but he supposed some clerk in his office had put these extracts in his hands, telling him that they might be of use in affording some shadow of ground for the Danish expedition: and his right hon. friend had, not purposely but carelessly, taken them without further examination. But a secretary, of whom he had not so good an opinion as he had of his right hon. friend, might possibly, upon this principle, tell one of his clerks to make out a justification some way; advising him not to be nice, but to take a scrap here and a scrap there, and patch up a case of some sort. If ministers thought proper to make out a case against any country, they had only to have recourse to this ingenious sort of picking. The right hon. gent. had a model of this kind of ingenuity in Swift's Tale of a Tub, where three brothers endeavoured to find the words 'shoulder-knots' in their father's will, and gave a complete specimen of this system of pickings and patches. They first attempted to find the shoulder-knots, 'totidem verbis;' but this being found impracticable, the eldest, who was afterwards distinguished by the appellation of lord Peter, suggested the expedient of looking for it 'totidem syllabis;' this, too, was found impossible, as they could not make out the first syllable. They then tried to make out their point 'totidem literis;' but, as bad luck would have it, they could not find out the letter *k*. What was to be done in this case? Brother Peter got rid of the difficulty by giving it as his opinion, that the word 'knot' ought to be spelt without a *k*; the other brothers agreed with him, and thus they made out their authority for wearing shoulder-knots. So an acute secretary might make out a charge against any country. The right hon. gent. might perhaps have read or heard of an ingenious essay in favour of atheism, taken out of the Epistles of St. Paul. This was another instance of the system of picking scraps from different parts of the same composition. There was also a most indecent and abominable poem, written by Ausonius, which could not be quoted in the house, which even scarcely could be named with propriety, all taken from the chaste muse of Virgil. Perhaps his right hon. friend had read it, 'monstrum horrendum ingens!' but though he believed his right hon. friend must have read it, yet he was sure that he would not attempt a translation for the use of the country gentlemen; otherwise he might be as severely rebuked by his right hon. friend the chancellor of the exchequer, as he had been by the noble and learned lord in the other house; and besides have a lecture from the Society for the Suppression of Vice, with leave to think himself lucky if he escaped a prosecution.—From the system that had been pursued of reading partial extracts, no credit whatever could be given to the information that had been laid before the house, till the whole correspondence was produced; for nobody could be sure that what had been brought forward was not a gross imposition. But, supposing that a case could be made out against Denmark, the house was without information respecting the real cause of the war with Russia. He took it for granted, that it was not simply the attack upon Copenhagen which had alienated the emperor of Russia from his attachment to this country; but it was owing to something which occurred posterior to that attack, that he had ranged himself in the list of our enemies. Lord G. L. Gower ascribed this change of sentiment, in one of his dispatches, to the arrival of a messenger from Paris, and to the strong representations made after the event by general Savary. But, with all due respect for the opinion of his noble friend, he shrewdly suspected that it had arisen from the communication imparted to the court of St. Petersburg, of the foul, treacherous, and base proposals which were made after the capitulation of Copenhagen, by ministers, to Mr. Rist, the Danish agent in this country, to submit to any terms which they might think proper to dictate, on pain of having Norway wrested from the crown of Denmark and given to Sweden. If he could trust to the papers which he held in his hand, purporting to be the substance of a conversation which passed between Mr. Secretary Canning and Mr. Rist, and copies of a correspondence which passed between the courts of Copenhagen and Stockholm, it appeared that, at the very time that ministers were soliciting the mediation of the emperor of Russia between G. Britain and Denmark, they were threatening to despoil Denmark of a part of her territory: and, after having evacuated Zealand conformably to the capitulation, to co-operate with a Swedish garrison in again taking possession of it. Not only this, but there was a rumour in circulation, that this plan was only abandoned in consequence of the commander in chief of the forces in the island of Zealand positively refusing to have any share in it. Flagrant and wicked as he considered the first attack upon Denmark was, to have violated the capitulation would certainly have been still more base and criminal; and, therefore, he hoped to hear an explicit declaration from his majesty's ministers, that they never at any time harboured an idea of committing such an act. Still, however, it was difficult to believe that there was no ground for the imputation; unless the supposed minute of Mr. Rist's conversation with Mr. Secretary Canning, and the correspondence which he now held in his hand, were impudent forgeries. The right hon. gent. here read the several papers to which he alluded; beginning with Mr. Rist's note to count Bernstorff, containing a communication of five different menaces which were thrown out by his majesty's foreign secretary, if the court of Denmark did not agree to subscribe to certain terms, and ending with a note addressed by baron Taube, his Swedish majesty's chargé-d'affaires at the court of Kiel, to count Bernstorff, the Danish minister, (a man who was universally esteemed to be the honestest minister in Europe, not meaning by this expression to be guilty of any disrespect to the right hon. gent. opposite,) declaring, that "had his Swedish majesty judged it necessary to occupy Zealand with his troops, jointly with those of his ally, he should have done it; and the king wishes that he may never find himself in the case to regret that he had acted otherwise." He meant to give every credit to the gallantry of the king of Sweden; and indeed, considering that he was now our only remaining ally, it would be illiberal to withhold any praise that was due to him. This was a very stout declaration, and he sincerely "wished that his Swedish majesty might never have cause to regret" the counsels of those who had advised him to make it. He must remark, however, that there was something curious in the wording of it. He confesses that he would have taken possession of Zealand had it been necessary; and expresses a hope that he might never have cause to regret not having done it, even though it was not necessary. There the house would see the influence of example strikingly illustrated. The British government had bombarded Copenhagen; levelled its houses, churches, and hospitals; sacked its arsenals, and carried off its fleet; because it was given out it was necessary so to do. The king of Sweden declares that had it been necessary, he would have taken possession after it was evacuated by our troops. And now the emperor of Russia would find it necessary to march an army into Finland, and to take possession of Stockholm. A right hon. friend of his (Mr. Windham) had advised ministers not to attempt running a race of violence and injustice with the ruler of France, because they were sure to be beat; but he really thought that their first effort was no bad coup d'essai; and it now appeared as if Sweden had been so much animated by their example, as to shew a roving disposition to follow them in their new career.—The right hon. gent. next adverted to the promise which they had made of Norway to Sweden, at least if he was to believe the documents which he had read. Sweden, he said, must be very sure of getting Norway in the end; for, it seemed, it had been promised to her not only by the British government, but by the emperor Napoleon himself. Gen.

Brune, in a conference with a Swedish general who had fallen into his hands in Pomerania (he did not know whether he was quizzing him or not), had held out precisely the same bait to the king of Sweden that his right hon. friend had done; and let it be remembered, that it had been stated by ministers as a matter of accusation against Denmark, that she had not communicated this offer to the British government, at the same time that she informed the British government of the offer of Sweden to send a Swedish force to her assistance. This offer, he contended, was sufficient of itself to have provoked the enmity of the emperor of Russia; who, above all things, was jealous of the prerogative which he assumed to himself of protector of the North. He was therefore of opinion that lord G. L. Gower was mistaken, in ascribing the hostile determination of the court of St. Petersburg to the interference of gen. Savary; and that it could be much better accounted for by the propositions which we made to Sweden, after the capitulation of Copenhagen was signed and ratified. But, as to our giving away Norway, or Sweden taking Norway, it was really too ridiculous for ministers to talk of it. It was no longer ago than in 1787, that a body of Norwegians put themselves in motion, and took possession of Gottenburgh, the second city of Sweden; and it was difficult to say where they might have proceeded, had it not been for the intervention of Mr. Elliott, at that time the British minister at Copenhagen. It was reported that ministers were preparing to send a fleet to the Baltic; and he hoped that they would do so, not for the purpose either of taking Holstein from the French, or Zealand from the Danes, or of making good their promise to the king of Sweden by taking Norway, but he hoped with the intention of securing the Swedish fleet. The king of Sweden must be the most unreasonable man in the world if he hesitated to deliver it into our hands as a deposit, and it certainly was an object of sufficient importance to engage the attention of ministers. It was well known that Sweden was in possession of the best flotilla in the world, and did it fall into the power of our enemy, it was much more likely to be converted into an instrument of effecting an invasion of this country than the Danish navy. But reverting to a general view of the question, he put it to the house whether it would sanction the new system of withholding all information relative to the measures of ministers. If it did, it would be better to decide at once, that the interference of that house was at all times an impediment to the operations of government; that parliament was a nuisance in difficult times; that it would be better for the king to prorogue it during pleasure, raise money as he pleases, and make war or peace when, how, or on what terms, he may think proper. He implored ministers, however, to give up the detestable system upon which they had lately been endeavouring to act; namely, that of fighting Buonaparte with his own weapons. They would do much better to continue to fight with those weapons which the nation was better accustomed to handle. Let them oppose lenity and moderation to his cruelty and oppression; let them oppose good faith to his treachery and duplicity; to his violence and despotism let them oppose the mildness of the British constitution; and above all, to his mystery let them oppose publicity. He concluded with moving, 1. "That an humble address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this house, as far as the same can be done without prejudice to the public service, Copies or Extracts of any Correspondence which passed between his majesty's ministers and the Danish Chargé d'Affaires, or his secretary, resident at the court of London, from the date of the Capitulation of Copenhagen, to their departure, together with the minutes of any verbal communications between the same: 2. Copies or Extracts of all Correspondence which passed, after the Capitulation of Copenhagen, between his majesty's ministers and the court of Stockholm, relative to the retaining possession of the Island of Zealand by a Swedish army, or in concert with his majesty's forces; and also Copies of any Correspondence which may have passed between the courts of Copenhagen and Stockholm relating to the same, and communicated to his majesty's minister residing at the court of Stockholm."

Mr. Secretary *Canning* was not ashamed to confess, that he at all times felt considerable difficulty in disagreeing from his right hon. friend; and that, in this instance, his difficulty was much increased, not by the line of argument adopted by his right hon. friend, but by the humour with which he had treated subjects stated to be atrocious, and the gravity with which he had dwelt upon things trifling and unimportant. The right hon. gent. had set out with a discussion of the particular benefits of the British constitution, which he contrasted with the practice of despotic governments. But his right hon. friend had pushed this contrast to a greater extent than any writer or speaker with whom he was acquainted. His right hon. friend had said, that his majesty's ministers were preserving the gloom of despotism upon every transaction, upon which they did not, shortly after the transaction took place, or whilst the consequences were yet flowing from it, give the fullest information to the house, and through that house to the public, and through the public to the enemy, by which the enemy might be enabled to defeat the objects of them. He had always thought that the constitution had solved that problem which his right hon. friend seemed to think insoluble, by enabling that house to steer between difficulties, and by uniting the promptness of the executive with the salutary corrective of its popular branch. But the extremity to which his right hon. friend had pushed his proposition was not to be maintained in argument or in fact, and the former of his motions allowed the principle which the whole tenor of his speech went to invalidate. His right hon. friend had complained of the sparingness with which his majesty's ministers granted papers; but he was sure his right hon. friend must be convinced that papers had been laid upon the table this session in greater masses than upon any former occasion. It began to be the feeling of the house, that he and his colleagues had granted too many papers, and that the few which remained in the public offices should be retained there, if not for the guidance of future ministers, at least for the service of future oppositions. His right hon. friend had asserted, that because only extracts had been laid before the house, they were not entitled to credit; and that the remainder of the documents, if produced, would contradict the tenor of the parts given to the public; as well as that, because chasms existed in the chain of papers, those which were forthcoming were not to be credited. The instance which his right hon. friend had selected to prove a deception in the case of the three dispatches from lord G. L. Gower, and upon which he dwelt with so much earnestness, as if they might have been written at intervals of some weeks, was rather an unfortunate one for his argument; because he had antecedently proved in his speech that they must all have been written between the 30th of August and the 2d of Sept. The clerical error of the copying clerk, in dating one of these dispatches the 2d instead of the 1st of Sept. was the ground upon which the right hon. gent. built his argument, to prove the deception which he imputed to his majesty's ministers. But, in contending that these dispatches were framed with a view to justify his majesty's Declaration of Dec. 19, which was issued in answer to the emperor of Russia's Declaration of Oct. 26th which had been received in this country on the 3d of Dec. his right hon. friend gave credit to him and his colleagues for a portion of political sagacity which he was not, on other occasions, disposed to allow them. But as the observation had been applied not only to the dispatches from lord G. L. Gower, but to his answer to these dispatches, dated Sept. 17th, his right hon. friend cut him short a fortnight of the allowance of political sagacity. The view which his rt. hon. friend had taken of the statement in lord G. L. Gower's dispatch, relative to the amicable tone assumed by gen. Budberg, was not maintainable in argument, or by the fact. Did his right hon. friend mean to say that general Budberg, at the time of adopting that tone, was not acquainted with the transactions at Copenhagen? If he did, he was mistaken; because these transactions had been known at St. Petersburg either on, or shortly after, the 20th of August. If that were so, he would ask his right hon. friend whether, under such circumstances, he would not think it proper to take advantage of such a disposition, in order, if possible, to preserve the relations of amity and alliance which had previously subsisted between the two countries? The note demanding an explanation of the attack upon Copenhagen, had been communicated under the influence of a power which had since acquired and exerted an ascendancy in the Russian councils. Though the dispatches communicating this note had been received with the other, they did not seem to his majesty's ministers sufficient to alter the view which they had of turning to advantage, if possible, the friendly disposition which had appeared on the part of Russia. If this had been the use which his right hon. friend made of the papers produced at the desire of his own friend, what credit would he have given to the dispatches if they had been voluntarily said upon the table by his majesty's ministers? Would he not have said, that ministers had produced them in order to make out their own case? But he should not then enter into the general question, until it should be regularly brought before the house, by the motion of the learned gent. on Wednesday. If his right hon. friend was prepared to contend that the question ought to be answered because it was put; or that, according to the daily practice of that house, it ought to be answered without any reference whatever to any particular course to be grounded upon it; he was of opinion that it would require somewhat more than the ingenuity of his right hon. friend to establish that point. If he understood his right hon. friend right, he had adverted to certain misconstructions which had been put upon what had fallen from him on a former occasion, as if he had made statements from documents in order to misrepresent the general tenor of their contents. Upon this particular point he should observe, that if other reasons did not interfere with the production of these documents, he could, for his part, have no objection to producing them; and on this occasion he trusted he should meet with the indulgence of the house, in adding a few words upon a subject so immediately personal to himself. If he were to look to himself alone, he should have no difficulty in producing the papers, which would take away all misconstructions upon the subject, and leave the learned gent. when he came to bring forward his motion, to discuss it upon the mere naked principle. His right hon. friend had mis-stated the view in which he had used one of those papers which he had read. He had stated, that he (Mr. C.) from lord Howick's dispatch, had imputed that the Danish court was in collusion with France, but this was a mistake; he had only stated that, from all the circumstances of Denmark's having retreated as the French advanced towards Holstein, there was reason to apprehend, if they got possession of Holstein, Denmark might dread their proceeding to do the same by Zealand, and that might be a means of drawing the Danish fleet into the hands of France; and he thought the noble lord had good cause for fearing that might be the case. His right hon. friend, in one part of his speech, admitted, and in the wording of his motion, had more strongly confirmed the admission, that it must be left to his majesty's ministers to say what particular papers ought to be laid before the house, and what would be inconvenient or dangerous so to do, and then called on him to say whether there would be any inconvenience in the production of the papers now moved for? To this he distinctly answered, yes, there would be the highest inconvenience. His right hon. friend had told them that we had but one ally in Europe, and that he was in the greatest danger. He argued that this danger would arise to Sweden, from having entered into a compact with this country relative to taking possession of Norway, and in return asked for the whole correspondence relating to that transaction. His right hon. friend's belief with respect to that was founded on a few paragraphs in the Moniteur, which he brought down, threw on the table, and then called on ministers for all the correspondence between them and their only ally; he thought, however, ministers knew too well how to shew their value for their only ally, to comply with so unreasonable a request. He did not know how it was, but it seemed to him the Moniteur had been strangely favourable to the views of the hon. gentlemen opposite; for they no sooner began to be exhausted in topics of declamation against ministers, and to shew symptoms of being languid and flat, than over popt a Moniteur with some agreeable information to cheer their drooping spirits, and to give them a fresh opportunity of calling for more papers, in doing which he thought his right hon. friend had, on the present occasion, shewn a voracious curiosity. If he would limit it to any information that could safely be laid before the house, he would be glad to oblige him as far as possible, to give him an opportunity of joining more effectually in the motion, which the hon. and learned gent. soon meant to move on the capitulation of Copenhagen. He assured the house, that in every respect that treaty had been complied with on our part. There had been a conference as to British property seized and detained prior to our taking possession of Zealand, a doubt having arisen whether the capitulation meant to confine it to Zealand only, or to the rest of the Danish territory. It was agreed to be submitted to the officers on both sides, who made the capitulation, and was determined against the English, and implicitly complied with. The same, as to hostilities, by the declaration of war, which were not known at the time of the capitulation; every thing had been abided by, that was stipulated by the capitulation. His right hon. friend was also mistaken, as to the offer of Norway to Sweden by France. It was prince Murat, and not gen. Brune, that made the offer which Sweden communicated to Denmark, but which Denmark concealed from us. His right hon. friend seemed to think, that France might do as she pleased—might give away Norway with impunity, whilst we should be highly criminal in any such intention, let the state of warfare between us and Denmark be what it might.—His last point, however, was, that we should not follow the example of the enemy. In that respect his majesty had hitherto carried on a system of scrupulous forbearance. If his right hon. friend meant that we should not imitate his cruelties, oppressions, and unbounded aggressions, he would coincide with him; but if he meant that we should not follow him in every measure which might tend to put us on a perfect equality with him in carrying on the war, he must differ with him entirely. His right hon. friend had indulged the exuberant fancy of his classic mind, by giving garbled extracts from Latin poets, by way of quotation; such as—'Ridiculum acri quid vetat.'—If, he was inclined to retort a quotation on his right hon. friend, it would, he thought, be strictly allowable to him to say.—'Arma virumque cano—fas est et ab hoste doceri.'—Buonaparte, whatever might be his cruelties, his oppressions, or his aggressions, had on all occasions scrupulously adhered to and protected those who had entered into alliance with him: he had never sacrificed an ally to any consideration, however pressing or important. Ministers were that night called on to give up the correspondence of our only ally, which could not fail of being attended with great inconvenience; and he would, therefore, so far follow the example of the enemy as to adhere to our ally, and to refuse his assent to his right hon. friend's motion.

Mr. *Windham* saw very little in the speech of the right hon. gent. that had any application to the question, and even in that little could discover no force. The right hon. secretary had laid down a doctrine with regard to the communication of papers to that house, which, even supposing it were admitted, could not operate against the motion. For, according to the terms of that motion, ministers would be left the option of presenting such information only as could not militate against public convenience. Of course no detriment could arise from acceding to it. What objection to it, then, could be sustained by the right hon. gent. Indeed, he had offered none. The character of the country had been seriously accused, and to that accusation the rt. hon. gent. contented himself with returning a mere assertion; in which, as usual, he was confident, just in proportion as he was deficient in proof and argument. But the right hon. secretary stated, that even were the papers applied for laid before the house, the gentlemen who supported the motion would not find what they wanted. They wanted some proofs to contradict the statements which had appeared in the Moniteur, and to vindicate the character of the country; which they must feel to be very imperfectly vindicated indeed, if it rested upon the mere assertion of the right hon. gent. If the right hon. gent. thought the papers would support his assertion, was it not natural to infer, that he would produce them? and was it not equally natural to infer the contrary from the pertinacity of his refusal? But, the right hon. gent. acted like a witness who should say, 'Accept my allegation without any further question: do not attempt to cross-examine me; for I assure you, I tell nothing but the truth.' Should the house, however, upon such a grave occasion, content itself with the mere word of the right hon. gent. without asking for any vouchers? The motion sought to ascertain whether the charge was true, that our government, contrary to the express terms of a capitulation, negotiated with Sweden, an ally of Denmark, to take hostile possession of the island of Zealand. This was the gravamen of the charge against ministers, and nothing could be fouler. It was said, that the enemy had done worse; and some people seemed to think, as it was termed, of 'fighting the enemy with his own weapons.' He hoped and trusted, that never would be the case. In fact, we could not fight with such weapons, to advantage. They were not understood by us, and he hoped they never would. For what were these weapons? A total indifference about good faith, a perpetual violation of truth, a systematic outrage of humanity and justice; in a word, a contempt of every principle of private morality and public law.

Mr. *Ponsonby*, though sensible of the just rebuke of the right hon. secretary upon himself and his colleagues; that they were grown dry in the debate; that they were quite exhausted in language, and required the Promethean fire of the Moniteur to rekindle them into activity; could never admit that any such imputation was ever likely to attach to the right hon. secretary himself. No; that right hon. gent.'s ideas were so numerous that they could not in a moment be put in array. The man who had few ideas could easily summon them into action, particularly when by perpetual practice they were drilled in all the evolutions of the disputant. The right hon. gent. was such an economist in thoughts, and such a prodigal in words, that he could feel no embarrassment in debate. He could upon any occasion bring forward that chain of words which jingled in the ear, but which rarely affected the understanding, and never approached the heart; and some of his partisans might call it eloquence.—The right hon. gent. animadverted, in terms of peculiar pungency, upon the several parts of the right hon. secretary's speech. He particularly pointed out his disposition to quote garbled extracts to suit his object; which he illustrated by referring to the quotation of the right hon. secretary this evening, from the declaration of his majesty relative to Denmark. The right hon. secretary only quoted a line which spoke of his majesty's 'too long forbearance and moderation:' but he declined to read the whole passage, which spoke of 'the exertion of the powers of the country which were called for at this crisis, and proportioned to the magnitude of the danger.' What, however, he would ask, did this exertion of 'the powers of the country,' &c. amount to? Why, to the attacking of a neutral unprepared power, bombarding its capital, and taking away its fleet! Did the right hon. secretary call this a great exertion of our power, or could he call it advantageous? No; for we had left behind us a country more hostile than it was before our theft was committed, and with means of hostility not very materially diminished. Was this, then, that signal and exemplary exertion of our power, of which ministers in their public declaration were so forward to boast? The conduct of ministers in negotiating with Sweden for the occupation of Zealand after it should be evacuated by our army according to the capitulation, excited his astonishment. But the doubts they affected to entertain as to the terms of the capitulation were still more astonishing. How could they suppose that gen. Pieman, whose command did not extend beyond Zealand, could conclude for the Danish government, or that he could covenant for the restoration of British property in other parts of the Danish territory? But, the course of ministers towards Sweden, when it was proposed, in apparent conformity with the capitulation, to evacuate Zealand, and to which the motion alluded, was of a most extraordinary character. The right hon. gent. wished and hoped that ministers would acquit themselves of the imputation which attached to this part of the transaction. It was, in fact, an act of much greater turpitude than the attack upon Copenhagen. It was, indeed, so considered throughout Europe; and for the honour of the country, and of ministers themselves, it was highly desirable to contradict it.

Mr. *Canning* begged the indulgence of the house, merely to put a question, whether, if the Moniteur should make a charge against the government of this country, such a charge should become a ground for the opposition in that house to draw from his majesty's ministers a public disclosure of their confidential communications with friendly powers?

Mr. *Laing* stated, that the king of Sweden indirectly confirmed the accusation in the Moniteur, by saying he would occupy Zealand with Swedish troops if he thought it necessary. Another confirmation was, that it had been matter of deliberation whether Zealand could be retained by British troops, and that the officers consulted declared against the practicability.

Earl *Temple* thought the matter under consideration might be brought within a very small compass, and decided by a single question. That question he should put to the ministers; and it was of such a character that the country would draw its conclusion as much from silence as from an answer. Ministers were most seriously accused of intending to break or evade a solemn capitulation. Now, he would ask, was there, or was there not, any negotiation with Sweden, or any foreign power, to occupy Zealand after our troops were bound to evacuate it, pursuant to the terms of the capitulation?—No answer was made.

The question being loudly called for, the gallery was cleared, and the house divided. The numbers were, Ayes 85; Noes 184; Majority 99.

HOUSE OF COMMONS.

Friday, Feb. 26.

[Army Estimates.] The house having resolved itself into a Committee of Supply,

The *Secretary of War* rose for the purpose of moving the Army Estimates. All that he thought it necessary to do was, to state the particulars in which the present Estimates differed from those of last year. The estimates now before the committee were classed under the following heads:

	Numbers.	Great Britain. £.	s.	d.	Ireland. £.	s.	d.
Land Forces (including various Contingencies)	200,831	5,892,922	9	1	1,385,057	11	6
Regiments in the East Indies	30,884	691,525	8	9			
Troops and Companies for recruiting ditto	437	25,281	12	9			
Embodied Militia	108,384	2,236,462	0	4	846,408	17	6
Staff and Garrisons		363,902	6	5	69,502	1	4
Full Pay to Supernumerary Officers		32,213	2	8	778	1	9
Public Departments		188,680	19	6	8,921	14	—
Half Pay		209,750	—	—	26,732	6	1
In-Pensioners of Chelsea and Kilmainham Hospitals		40,969	13	10	16,942	17	3
Out-Pensioners of Do.		329,619	9	2	46,878	8	6
Widows Pensions		40,495	10	6	6,000	—	—
Volunteer Corps		652,000	—	—	611,487	—	—
Foreign Corps	22,125	795,617	3	2	70,911	3	10
Royal Military College		21,525	17	4			
Royal Military Asylum		19,503	9	3			
Allowances to Retired and Officiating Chaplains		16,000	—	—	2,852	5	3
Medicines and Hospital Expences		100,000	—	—	18,676	8	9
Compassionate List		13,500	—	—			
Barrack Department (Ireland)					442,262	13	5
Commissariat Department (Ireland)					190,253	7	4
Total	362,661	11,670,404	2	9	3,773,664	19	4
Deduct the Regiments in the East Indies	30,884	691,525	8	9			
Remains to be provided	331,777	10,978,878	14	—	3,773,664	19	4

Several particulars with respect to marching-money, innkeepers allowances, and some other items, it was difficult to make out in the way of exact account. But as far as that could be done it had been. The principal alteration in point of charge arose from the care that had been taken to transfer from the army extraordinaries, every thing that could be made a subject of estimate. He had the satisfaction to state, that the army which the house was now called on to provide for was, in point of discipline, equal to any army in the world, and in point of numbers superior to any this country had ever had. The amount was in regulars and militia not less than 300,000 men. There was also a greater proportion of effective men than had ever been known, and the actual amount of force was as near the establishment as was possible. The increase from last year consisted chiefly in British regular disposable infantry, that most efficient description of force. The effective force was within 13,000 of the establishment; an approximation scarcely ever known before. The cavalry was on the same footing as last year. Some trifling reduction was intended, but not sufficient to make any alteration in the estimate. The waggon train was reduced to 500 horses. It had been proposed last year, but the employment of the number of horses and waggons now kept up, was more economic than the hiring of waggons to do the necessary work. The men were trained to arms, and it was desirable to keep them in his majesty's service. The next article was the militia, which, he was happy to say, was as near its full complement as ever, after having given to the line an addition of 24,000 disciplined men. The Volunteer Estimate was the same as that of last year, with the addition of the charge for Inspecting Field Officers. With respect to Foreign Corps, a small addition had been made to the German Legion, but not such as to make any difference in the effective force, which was still the same. In the Royal Military College a Board of General Officers had thought fit to make a small increase of the salaries of the Chief Officers, and to augment the Staff. He trusted this establishment would be preserved, increased, and made permanent. In every military country there were establishments of this description, and in no country were they so much wanted as they were in this, in which there were not the same opportunities that the continent possessed of observing and comparing the merits and defects of a number of armies, and selecting whatever was good from the practice of each. After recapitulating the several items of increase, the right hon. secretary concluded with moving, "That 124,000 effective men be voted for the service of guards and garrisons, &c. for 366 days, from 1st Jan. 1808, to 1st Jan. 1809, both inclusive."

Mr. *Calcraft* asserted, that all his apprehensions of the disorganization of the militia, and the increase of the bounties by the volunteering were made good; of 16,000 men that had volunteered from the British militia, only 1600 had entered for life, and most of them being superannuated, entered for life to get the additional bounty, in the confidence of being discharged again before the 7 years should elapse. He allowed the militia would be filled up again by May, but not without infinite hardship to those classes of the people that ought to be particularly spared.

Mr. *Windham* admitted that the estimates, from the approaching expiration of the Mutiny act, must be voted without delay. Still he thought it hard to be called on to vote them when they had not been 24 hours printed; and when some of the most important returns were not yet printed. He blamed the precipitancy with which the most important public measures were pressed forward, without sufficient information, and without sufficient opportunities of discussion.—After some further conversation, the various items of the Estimate were put and carried.

[Ordnance Estimates.] Mr. *Ashley Cooper* next moved the estimate for Ordnance service, amounting to 5,300,000*l.*

Mr. *Calcraft* wished for some explanation how this estimate could exceed, by nearly a million and a half, that which he himself had brought forward when in office, about a year since.

Mr. *Cooper* explained, that it arose from arrears of former years, and accumulated exceedings not provided for under the heads of debt to the navy departments for stores furnished; exceedings of former estimates for Ireland; expedition to Copenhagen; works at Chatham, Woolwich, and Dover, with various items, which he stated.

Mr. *Calcraft* thanked the hon. gent. for the explanation which it was his own duty to ask; but there were some other points of enormous expenditure, and particularly the Drivers' corps, in which he was not satisfied, and which he should take another opportunity of bringing forward for discussion.

Mr. *Wellesley Pole* vindicated the whole of the estimate, and said the artillery of this country had attained a pitch of efficiency under the auspices of lord Chatham, not only unparalleled at any former period, but superior to any other train of Ordnance now in Europe. It consisted of 6000 men, with 4000 horses attached, and all in such a state of discipline and equipment, as to enable them to oppose a force of artillery against any enemy who should land in this country, in one-third the time, and with more than triple the effect that could be done at any former period.—The question upon the estimate was then put and carried.

[Papers relating to Denmark.] Mr. Secretary *Canning*, pursuant to notice, rose for the purpose of moving for copies or extracts of any dispatches that had been sent in Nov. or Dec. 1806, by Mr. Garlike, his majesty's minister to the court of Denmark, to his majesty's secretary of state for foreign affairs, relating to the actual or intended invasion of Holstein by the army of France. It was also his intention to move for the several other Papers from which he had quoted passages to the house on a former occasion. His object was by producing the documents, to correct those misconstructions which had been put upon his conduct and language in that instance. As he did not feel it necessary to make any further observation on the subject of the motion, he should barely move, that an humble Address be presented to his majesty, &c.—On the motion being put,

Lord *Folkestone* said, that he had been one of those who, on the former occasion, in part persuaded by the arguments of the right hon. gent. and in part from his own conviction, had resisted the production of these Papers. Nothing that had since occurred had altered his opinion. If these papers were necessary to be produced, a great many more would be necessary, in order to set the persons who were concerned right with the public. These would not be sufficient to justify Mr. Garlike, who could not be set right with the public but by the production of all his dispatches, down to the time of the expedition to Copenhagen.

Mr. *Ponsonby* could with difficulty object to the production of any papers that might be necessary for the justification of any hon. gent.'s conduct. But he had not so much respect for the feelings of any individual, as to think that the public service should be sacrificed to them. The right hon. gent. had made his extracts from the papers, to shew that there had been a hostile feeling in Denmark, and that this opinion of the present ministers had been fortified by the opinion of the late administration. But Mr. Garlike's dispatches dated in Nov. and Dec. 1806, would not be sufficient for his purpose, it would be necessary to produce all the dispatches that had been received down to the time of the expedition. A suspicion might have been entertained in 1806, which had afterwards been removed, and something of this description had, he believed, taken place, because in the commencement of 1807, a large fleet had been collected, intended for the Baltic, which had afterwards been sent on various other destinations, when the suspicion respecting Denmark had been removed. The right. hon. gent. first endeavoured to justify the expedition, and then he came to justify himself; but he could not justify himself, unless he produced all the papers. He had thought the hon. gent. had intended to produce all the correspondence of Mr. Garlike, but if he should not, he gave him notice that he would again vote for the production of those papers which he had before made motions to obtain.

Mr. *Tierney* felt compassion for the right hon. gentlemen opposite, whom he beheld in the pitiable situation of being called upon now to vote for what they had rejected but two or three weeks since. This was the first instance in which such a proceeding had taken place in parliament. The right hon. gent. had first resisted the production of the papers on public grounds, and afterwards when called for on private grounds, for the justification of his noble friend (lord Howick); but now that the right hon. gent.'s own character was touched, he was ready to produce the papers. He was glad the right hon. gent. at length shewed such a laudable attention to character, and thought it worth preserving. But, leaving private character out of the question, he saw no reason why more attention should be paid to the character of the right hon. gent. than to that of his noble predecessor, who had served his maj. in the same office, with as much fidelity, as the right hon. gent. The effect of the proceeding of the right hon. gent. would be to shew that that house was the instrument of the secretary of state. Had any thing occurred since the former vote, to shew that there was less danger in the production of the papers now than at that period? The character of Mr. Garlike, to whom public character must be so dear, could not be justified but by the production of all the papers. If the right. hon. gent. should not consent to that, he would compromise the character of the house by the refusal. Let the house see in that the danger of raising men too high, let them see the degraded and disgraced state to which they would be reduced, and which would sink them in the estimation of their country, and perhaps of the sovereign himself. (A loud cry of order.)

The *Speaker* declared his disapprobation of the course pursued by the right hon. gent.; and for this reason, because he appeared to be expressing an opinion of the sovereign on the conduct of an individual in that house.

Mr. *Tierney* was not conscious of having any such intention, but having been interrupted in the chain of what he had to state to the house, declined proceeding, declaring that nothing had occurred in the few last weeks to justify the alteration of the course then adopted by the house.

The Vote of the 8th of Feb. was then read, on the motion of Mr. Adam; and the Speaker decided, that if the paper now moved for was that which had been in the former instance rejected, the house could not now vote for it, but it would be for the house to judge how far the present paper was more or less than that which had been refused in that case.—After a short conversation upon the subject of order, relative to comments upon the expressions of Mr. Tierney, which had not been taken down, but which the Speaker decided might be made the subject of comment by way of explanation, though not the ground of a decision of the house,

The *Chancellor of the Exchequer* said, he was at a loss to know whether the hon. gentlemen opposed or supported the motion of his right hon. friend, [it was intimated across the table that they supported it.] Then, he could not see how his learned friend's question upon the order, by requiring the entry of the vote of the 8th of Feb. to be read, could be construed into a support of the motion. The house would perceive, that the production of these Papers would be a source of disappointment to the gentlemen opposite, because it would deprive them of the foundation of much declamation, in accusing his right hon. friend of having made garbled extracts. The Papers had never been refused on public grounds. They had been asked for to prove that his right hon. friend had misrepresented the contents of lord Howick's dispatches, which he had not done, and it was on that ground that they had been demanded and refused, because the granting them on that occasion would have been an admission on his part of the misrepresentation. If the Papers had been demanded on other grounds, his right hon. friend would not have objected to their production. What had been said would, he trusted, be sufficient to satisfy the house of the propriety of his right hon. friend's motion.

Mr. *Windham* observed, that the hon. gentlemen opposite shewed a disposition to laugh, though their mirth resembled the singing of children in the dark, to shew they were not afraid. He contended, with his right hon. friend, that the house would, by their proceeding, be placed in a situation of indignity, and he lamented that the forms of the house did not admit of obligations.—Such at least is the language which, in explanation of that neutrality, the Danish ministers think it right to hold to me. They do not, however, shut their eyes on the scene before them; they know what they may expect from the wanton abuse of the power of France; or what is worse, from the determined method and perseverance with which France is subduing the states and directing the resources of the continent against G. Britain.—I have dwelt on these topics in formal conference and familiar conversation with count Bernstorff, as also in the frequent occasions I have of seeing —— and the ministers of the cabinet. They avow the precarious tenour even of their present disturbed existence; but their fears are paramount; they consider the Prussian monarchy as annihilated for the present, and believe if they resolve on further measures of defence, that they would draw on this country the worst consequences that may be apprehended.—In the mean time, they regard the actual state of Denmark as of the utmost importance to the allies; and persuade themselves that for the sake of the common cause, as well as of Denmark, it behoves them to adopt no measure which may augment their difficulties, or hasten the disasters they would avert. They therefore, conclude, that their best policy will be the continuation of their present defensive system, and of their reliance on the friendship of G. Britain and Russia; of which policy they say the merit and best effect would be the assistance of those powers when Denmark is endangered by an attack from France. I asked count Bernstorff the direct question, If it was intended to arm such a part of the fleet as might be useful in defeating an expedition from the ports now falling into the hands of France? He replied, that this was not the season.—Disposed as your ldp. may be to allow for these apprehensions in the present calamities of the north of Germany, and to coincide with the Danish ministers as to the readiness of G. Britain and Russia to afford every practicable assistance against the enemy, you will probably not less lament that no preparations have hitherto been made, in concert with the natural allies of Denmark, either to resist a sudden attack, or to impede the gradual encroachments France will continue to make, till she is in an attitude to require the exclusion of British ships from Danish ports, and the surrender of the Copenhagen dock-yard to her purposes against G. Britain.—By preparations I do not so much mean a display of military force which this court calls a defiance of the enemy, and the seeking of their own undoing, as some previous concert, some signal for succour or combined operations, some stipulated degree or disposition of force, some security to the powers at war, for the proper application of the assistance they may be able to furnish.—I have this day urged these remarks, and it is readily allowed, that however well-disposed the powers on whom Denmark may rely in the hour of danger, the greatest inconvenience must arise from distance and delay; and that in such an emergency, whatever is irresolute, or timid, or bad, will endeavour to perplex the public councils, for want of a direct recourse to a steady and provident system.—Yet the Danish ministers shrink at all appearance of concert, and at the responsibility of a written engagement. They dread the effects of its publicity, which they think unavoidable; and as count Bernstorff has told me, believe that the mere suspicion of such a concert, though conceived for the duties of defence alone, would on such an occasion as that of the 6th inst. have determined immediate war against Denmark.—I should think it unnecessary to lay these remarks before your ldp. if I had not to make the melancholy addition, that several of the principal departments (I except the ministers of the council and for foreign affairs) as well as many of the inferior ones with their dependencies, are filled by persons in a state of delusion and blind attachment to the interests of France.—The only check to the more open display of these dispositions, is the character of the prince royal. ——, who marks in the strongest terms his sense of the firmness of his royal highness, observed to me yesterday, that the most entire reliance may be placed on his not yielding to the proposals it may be expected France would make.—But too many precautions could not perhaps be taken against the efforts of deluded or ill-disposed persons to perplex or mislead the government in an emergency that may well be foreseen, and when no preconcerted system would be opposed to such attempts, except that of confidence towards G. Britain and Russia; which, however real or well-founded, is not it seems to be acknowledged or carried into effect, till France is in the act of binding this country never to make the attempt.—Among the measures which have already been recommended to the attention of the government, there is one which appears to unite many opinions and interests in this country; namely, that in case of an attack from France, Holstein, Sleswick, and Jutland shall be abandoned, and the principal force be concentered in the defence of the Islands, (even with the exclusion of Fionia.) This project has never been mentioned to me by one of the ministers, but without any reserve by several leading persons; and it would be seriously supported by many who see the principal strength of the monarchy in the island of Zealand; its fleet and arsenals in Norway, in the West India possessions, and in the commerce of the country. A military person of rank who has been employed in a very confidential station, and now fills an important post at this place, is occupied in writing a Memorial to be sent to the prince, in support of this measure, with the additional advice, to put it into immediate execution by the recall of the army and the return of the prince royal to Zealand.—From all these considerations your ldp. will best judge how far it may be advisable to make a joint formal representation on the part of his majesty and the emperor of Russia, for the purpose of concerting with this country the best means of counteracting the projects of France, which are but too clearly avowed in her practice and declarations, and become every day more alarming, from the extent and nature of her acquisitions in the Baltick.—It is indeed possible that the operations about to commence in Poland may suspend for awhile the intention of attacking this country; but those operations must so much the more call for every effort that may be to be made, either against the body of France, or to prevent that success in her present undertakings, which will otherwise certainly overwhelm this country.—I shall continue in every event to be entirely guided by your lordship's instructions, and to use my utmost endeavours for the success of the objects to which they are directed.

No. IV.—Dispatch from viscount Howick to Benj. Garlike, esq. dated Downing Street, 3d Dec. 1806.

Sir, your dispatches to No. — inclusive, have been received and laid before the king. The language of count Bernstorff and the Danish ministers, as described by you, is such as was naturally to be expected from their former policy, and from the effect of the recent events in the north of Germany. Any endeavour to induce them to adopt other sentiments, if indeed such an attempt were adviseable, would, at the present moment, probably be without a hope of success.—At the time of writing the Dispatch to which yours is an answer, the extent of those extraordinary misfortunes which have since happened, was far from being foreseen or expected. A hope was then entertained, though not unmixed with doubt and apprehension, that the power of the Prussian monarchy, aided by the neighbouring states, and by the allies, might have opposed an effectual resistance to the armies of France. But since the afflicting events which have ended in the total dispersion of the Prussian army, the question no longer is whether Denmark should give her aid to a powerful ally, but whether she should, without any continental support, expose herself alone to the resentment of France. So long as the question remains on this footing, it cannot be expected, nor is it to be wished, that the court of Copenhagen should take any measures of direct hostility against France. But the care of its own safety requires more vigilance than ever. While France abstains from any attack, or from any direct menace, a prudent system of neutrality, which shall not impair the means of future defence, is probably the best. But that this forbearance on the part of the French government should last longer than may be found convenient for the execution of those further schemes of ambition in which Buonaparte is at present engaged, seems to me very improbable. After the accomplishment of his more immediate objects, demands may be expected equally inconsistent with the neutrality and the independence of Denmark; and it is for that government to consider whether it will place itself in a situation to defend those parts of the Danish dominions which possess effectual means of resistance, or whether it will follow the example of so many states, which, by seeking safety in submission, have successively fallen under the dominion of France. In looking forward, however, to the probable conduct of France, there is one point which cannot be too soon understood between this government and that of Denmark. Though his majesty must experience the deepest regret from any interruption in the relations now so happily subsisting between the two powers, it would be impossible for the king to acquiesce in any arrangement whereby the whole, or any part, of the Danish navy might be placed at the disposal of France. If therefore it should so happen that in order to secure the German dominions of the Crown of Denmark, that power should be induced to comply with a demand of this nature, his majesty could not avoid taking such measures as in that case would become indispensible for the honour of his crown and the interests of his people. Should any question of this sort arise, you will at once state distinctly and unequivocally the feelings of this government upon it. But the king is far from believing, though it is necessary to provide against it as a possible case, that any thing so injurious to both countries, as the submission of Denmark to so humiliating a condition, is likely to happen. His majesty relies with entire confidence on the wisdom, the spirit, and the honour of the prince royal; and I revert with pleasure to a more pleasing part of my duty, that of authorizing you to repeat the assurances already given, of his majesty's constant disposition to afford to the court of Denmark the most effectual assistance and support, if that government, deceived in the hopes which it seems at present to derive from the observance of a strict neutrality, should ultimately be forced into a war with France for the preservation of its own independence.—In such a case, it is obvious that, notwithstanding the great continental superiority of France, the attack of the Danish islands would present many great difficulties, such as might indeed with proper exertion on the part of that court, prove insurmountable. To this supposition, it is therefore, the king's pleasure that you should particularly direct the attention of the Danish ministers. The king would see with pleasure a successful defence of Holstein, and offers for assisting in this, have this morning been communicated to me by M. Rehausen on the part of his Swedish majesty, who proposes to unite a corps of 25,000 men to the Danish army in Holstein for this purpose. With such a force, it is to be hoped, not only that Holstein might be defended, but that the most beneficial effects for the safety of the north of Germany might ensue from its position in the rear and on the flank of the operations of the French army. You will therefore recommend this offer of his Swedish majesty, which probably will have been communicated to the court of Denmark before this reaches you, to the most serious attention of the Danish ministers. If that government should decline entering into any measures of this nature, or should deem the defence of Holstein impracticable, his majesty still trusts that no effort will be omitted to put the Danish islands in a proper state of defence, and he would gladly co-operate in naval measures necessary for that purpose, if Denmark should really stand in need of such aid, I am, &c.

HOWICK.

No. V.—Dispatch from visc. Howick to Benj. Garlike, esq. dated Downing Street, 9th Dec. 1806.

Though no dispatches have been received from you since my last, the accounts which have reached this country of the retreat of the Danish Army from Holstein, and the advance of the French to the Eyder, from which river there is reason to apprehend that his majesty's flag has been excluded, render it necessary that I should instruct you immediately to require of the Danish government a frank explanation of the motives which have produced measures apparently so injurious to the interests of his majesty; and also of the system of policy which that government means in future to pursue in its relations with this country and with France.—This explanation you will require in the most friendly terms, but at the same time in such a manner as to prevent any delay. The interests of Denmark itself and the known character of the prince royal, encourage his majesty still to entertain a confident expectation that, notwithstanding present appearances, the answer will be such as the friendship which has so long subsisted between the two governments requires.—With respect to the views entertained by his majesty's government on the present alarming crisis, and the advantage which may be derived from the generous offer of the king of Sweden to assist in the defence of Denmark, I must refer you to my last dispatches. I am, &c.

HOWICK.

No. VI.—Dispatch from Benj. Garlike esq. to visc. Howick, dated Copenhagen, 24th Nov. 1806.—Received 11th Dec.

My lord; The reports of the declared intention of general Mortier to occupy Hamburgh, had been in circulation here for some days. The intelligence of his having entered the town with a number from seven to eight thousand men, was received last night. This government did not appear to believe the event was probable. There seems now to remain a stand of opinion, that the French troops will proceed no further in this direction, but that they will respect the neutrality of Denmark.—With regard to Holstein, it would not only be a vain endeavour to urge this country to other measures of defence than those they have already adopted; but there are no measures of a nature purely military, which could now be taken in concert with other countries, to second the efforts of the Army which is there established, if it should be brought into immediate action. What I have now principally to submit to your lordship, is accordingly meant to apply only to the case of hostilities being actually commenced by France against Denmark, in the dutchy of Holstein.—Nothing, I imagine, need be urged to prove, that if the French troops succeed in occupying that part of Denmark, the sole purpose cannot be the shutting of the ports of Tonningen and Husum against the British Flag; there must also exist the intention of seizing these islands, and of directing their resources against the interests of Great Britain and Russia.—The conduct of the Danish government, if Holstein and the Peninsula should fall, must, I suppose, be that which has been so often insisted on, namely, a perseverance in the firmest resolution to resist the enemy; and, as count Bernstorff informed me this morning, the immediate arming of the fleet for the defence of this and the adjacent Islands.—But having said this, it is my duty not to conceal from your lordship how much my apprehensions increase with respect to the persons in high though not in the first offices, to whom great confidence will be shewn in the hour of danger, and who must have considerable influence in the direction of the public opinion, and of the means of repelling the enemy.—The character and bias of these individuals (many of whom I know personally) were undoubted before the present continental war took place. Their language in all the changes which occur, leave nothing but a formal declaration of their principles, to convince me of what may be expected from them when the enemy is in possession of Holstein. They will represent the danger to be less than it is, in order to prevent the activity of others, and will exaggerate it with the chance of securing and extending their own authority. These persons will then be capable of imputing as a crime, that more effectual means were not concerted for the defence of the country; and will recommend an accommodation with France, through the voice of the populace, not as an avowal of their choice, but as a measure of the necessity to which they have been reduced.—The danger of a war with Great Britain, which, in such circumstances, is already foreseen by the thinking part of the country, would not overrule those who are guided only by their prejudices and their ambition; or if that danger were attended to in the general tumult, it would be only as a reason for arming and stationing whatever could be found in the arsenals of this place, assisted by the supplies of the Mecklenburg and Pomeranian coasts, for purposes of which France would assume the direction.—These are not idle surmises. I do not pretend to describe by what gradations they will be realized; but I cannot observe the confidence and listlessness of some, with the activity and growing hopes of others, or attend to the conversation of this place for a day, without being this day more than the preceding, justified in pointing to the most melancholy results, not as a determination of the government, but as a consequence of the confusion of late measures against an active enemy, amidst undecided and misguided friends.—The contrary too may take place. The activity, firmness, spirit, and popularity of the prince royal, may have the fullest effect against all internal impediments of whatever nature.—In the possibility of one or the other course of these events, I would submit to your lordship the two following considerations: 1st, How far, after the attack or possession of Holstein by the French troops, it may be proper to reduce his majesty's offer of assistance to some specific shape, especially of a maritime nature, for the defence of this and the neighbouring islands. The Danish government will continue to be so totally unprepared for a defence of this nature, as possibly not to be able to bring it forward on a very sudden emergency. 2d, Whether it may not be proper, on such opportunities as occur, without formal declaration, or menace, to give it to be understood, or even finally to announce, that such an arrangement with the French government, as may be attempted in the circumstances I have described, will infallibly lead to open and active war on the part of Great Britain.—I have seen count Bernstorff since I wrote the above. He expresses himself without any alarm from the presence of the French troops at Hamburgh or Lubeck.—I understand from him clearly, that the Danish troops are retiring from the frontiers; and I make no doubt that this has been done at the desire of the French emperor. I beg leave to transmit, as nearly as I can, the very phrases he made use of, in this unasked-for intelligence. "Loin de nous alarmer sur ce qui vient d'arriver, le prince Royal a cru devoir retirer une partie des troupes rassemblées sur la frontiere du Holstein. C'est à dire qu'elles ne resteront pas aussi concentrées qu'elles ont été depuis quelque temps. En effet nous n'avons par les mêmes motifs pour les y tenir. Ni les Prussiens ni les Suedois ne s'y trouvant plus, il n'est plus aussi probable que les Hostilités s'engagent sur notre propre territoire; de sorte que la plupart des régimens avaient réçu l'orde de se retirer du coté de Sleswick avant l'occupation de Hamburg; et nous ne voyons point dans cet évenement qu'il y ait lieu à le contremander. Mais le quartier géneral sera toujours a Kiel." The Danish army then, except the small garrisons of Gluckstadt, Kiel, and Ploen, and an advanced guard under general Evald, may be considered as having retreated to the Dutchy of Sleswick behind the Eyder. The French minister at Hamburg, and M. de Mortier, have conveyed the most positive assurances to this government of the respect which will be shewn to its neutrality; and as a proof of it, have insisted on the precautions taken in the march of the troops from Bergedorff to Hamburg, to avoid a portion of Danish territory, which lies more conveniently for the road between the two places. I have, &c. B. Garlike.

No. VII.—Extract of a Dispatch from Benj. Garlike, esq. to visc. Howick, dated Copenhagen, 29th Nov. 1806.—Received 11th Dec.

It was perhaps to be expected that as the Danish troops had remained on the Holstein frontier, when there was no war in the north of Germany, and had actually been engaged with those of France, their sudden retreat to the Eyder would give rise to the supposition of some arrangement between the Danish and French governments.—Mr. Pierrepont will have informed your lordship of the very unfavourable construction of that retreat, which has been transmitted to his Swedish majesty, and of the strong measures of precaution which that monarch has judged it proper to adopt against the new danger that would result to his own interests and to those of the allies.—Your lordship will have borne in mind, that the very essence of the neutral system maintained in this country has been repeatedly declared to be the guarding against every dishonourable proposition that might be recommended to the adoption of the prince royal.—With this recollection on my part, it did not even occur to me, that his r. h. could consent to a concession so much in his abhorrence as that of the abandonment of the duchy of Holstein to the French troops, for the sake of the quiet retreat of those of Denmark to the banks of the Eyder; that is to say, that the richest province of the crown should be gratuitously ceded to the enemy, with increased disadvantage and insecurity to Denmark; and though the cession (of Holstein) would not have included Tonningen and Husum, both being in Sleswick, yet that the French troops should be brought within sight of one of those ports, and within a few English miles of the other.—Your lordship will therefore judge of the earnestness and of the caution with which I brought this subject forward with count Bernstorff, as soon as possible after I had received Mr. Pierrepont's letter, for the purpose of learning if any and what conditions had been stipulated with France on the retreat of the Danish troops to the Sleswick frontier; and I have the satisfaction of assuring your lordship, that, in terms and manner to which I give my perfect confidence, did count Bernstorff endeavour to remove the suspicions (which in truth I had not entertained) by assuring me, that no transaction whatever had taken place relative to the respective positions of the French and Danish troops, either in the shape of condition or of explanation, or by any communication between the two governments, and even that the retreat of the prince royal, and the assurances of security conveyed by M. de Mortier and M. de Bourienne, had not depended on each other.—Count Bernstorff was further earnest that I should understand that the retreat had not been determined on at the suggestion of France. But as it may be impossible for count Bernstorff himself to explain how a suggestion of this nature may have been conveyed or admitted, this last circumstance did not so particularly engage my attention.—The retreat having taken place with the approbation of the prince royal, there may be occasion to regret that M. de Mortier and M. de Bourienne were not every way competent to the assurances in which they have abounded, that Holstein will not be attacked. The danger to which that duchy was exposed, is at best not less than it was; and every account transmitted within these few days to Copenhagen, except those received by the government, encreases our apprehensions that the attack is not far off.—This possibility is at least now become so familiar to the government as to shew that they place their principal strength and hopes in the defence of the islands; and I have now, for the first time, some reason to believe that measures of precaution *begin* to be taken for the case of withdrawing the troops from Holstein, and of establishing some points of union and supply. I have not this intelligence from the government. If measures of this nature have been considered as advisable, they will not be pursued without the strictest secrecy, on the ground of not forfeiting by preparations which may invite the enemy, the advantages of the system in which they have persevered so long. I mean that they will not avow any measure of defence respecting the islands, till Holstein be really attacked by France, and certainly not take any of an ostensible description.—This disposition of the government makes the difficulty of affording or concerting the assistance of which they may stand in need. It is of that apprehensive nature, as would refuse to admit the most effectual succour that might be sent to the country, before it has been determined to adopt a course of undisguised and active war; and it must be on that occasion the more natural to hope, that however they may veil the attempt, every secret preparation for a sudden display of force will be the daily and earnest labour of the Danish ministers.—To this object I have directed my conversation with count Bernstorff. I should hope also, that there is fair ground to urge the courts of Copenhagen and Stockholm to some well concerted common measure of defence of the Danish islands. If the prejudices of the two countries are not insurmountable, Denmark and Sweden have the motives and means of self-defence within themselves. They have local knowledge, and ships of war fitted to the coast; the proximity of Sweden and her actual hostilities may give the readiest assistance; and favour even the timidity with which Denmark may be disposed to come forward.—I am aware that the approaching season may render the operations of a fleet neither safe nor practicable; and that the main passage to be defended between Zealand and Fionia (Fiunen) may require vessels large enough to be able to keep the sea, and small enough to shelter in the common ports of the islands. If these are difficulties, they are to be subdued by the governments themselves. My purpose can only be to advert incessantly to the subject in every direction likely to produce the good understanding and concert, without which Zealand must become the passage for French troops into Sweden, and the seat of every mischievous operation against all the powers interested in the defence of the Baltic.—Hitherto I have not been able to engage the Danish ministers in a satisfactory discussion of the points in question; but I shall make the attempt with the greater earnestness at this moment, as I learn from Mr. Pierrepont that the king of Sweden intends without loss of time to propose an interview with the prince royal; the object of which I would flatter myself must be, their endeavour to concert the best means of their common defence.

No. VIII.—Dispatch from visc. Howick to Benj. Garlike, esq. dated Downing street, 26th Dec. 1806.

Sir; The apprehension entertained here, at the time of writing my last dispatch, of the entrance of the French troops into Holstein, I am happy to find, was unfounded. But I cannot regard the respect which has hitherto been paid by the enemy to the neutrality of the Danish territory as any thing more than the effect of a policy which for the moment is more convenient to themselves.—It would be madness to trust to any assurances which may have been received from the French government on this point, so far as to neglect a timely preparation of those means of defence which to be effectual must not be left to be sought for in a moment of immediate and pressing danger.—I have urged the necessity of precautionary measures, which might be so conducted as neither to provoke nor to afford a pretext of hostilities on the part of the French, in the strongest manner to Mr. Rist. Above all, it is necessary that no time should be lost in concerting measures of common defence with the court of Sweden, to which so good an opportunity has been offered by the prompt and generous offer of his Swedish majesty.—You will continue therefore to request from the court of Denmark a frank communication of its views, and to urge their immediate attention to the important objects above stated. I have, &c.

HOWICK.

No. IX.—Dispatch from Benj. Garlike, esq. to viscount Howick, dated Copenhagen, 20th Dec. 1806.—Received 7th Jan. 1807.

My lord, I deferred the honour of writing to your lordship on my communication to count Bernstorff of the principal points of your dispatch of the 3d December till I had an opportunity of seeing that minister again, after he had submitted them to the cabinet ministers. I advert first, to the proposal of his Swedish majesty for the co-operation of 25,000 Swedish troops with those of his Danish majesty in Holstein. I cannot yet say in what manner this overture has been made to the prince royal; but on both the occasions which I have had of discussing the subject here, I have found it attended with the most undisguised aversion; as incongruous at this moment from a power at war to a power at peace; inapplicable with respect to time, if relied on when the attack of Holstein is no longer a problem; unseasonable when no new circumstance has occurred, except the repetition of friendly assurances on the part of France; and dangerous above all, as inviting, or rather immediately committing, the country to unavoidable war.—I endeavoured in the gentlest manner possible to rescue the Swedish proposal from the weight of objections, which thus tend to enervate every wise and provident scheme of self-defence, and carried one degree further, must leave the country prostrate to no good-will, but that of the enemy.— I think it natural to suppose, that the Danish minister urged his objections in this instance with more than usual quickness, from his consciousness that the resolution is already taken to withdraw the Danish troops from Holstein. I felt the conversation clogged on my side with the knowledge of that resolution; but it was not openly noticed on either.—Count Bernstorff than asked me, if I believed the king of Sweden could spare from his own dominions any number of men, which approached that of 25,000? This was not a question for me to answer; but I pressed the Danish minister to consider, as exceedingly probable, that when his Swedish majesty resolved on making the offer, he was alarmed for the safety of the Danish peninsula; and that if such a force could not well be spared from Sweden, nothing could be a stronger proof of his Swedish majesty's friendship, than the prompt desire which he must have entertained to raise it by extraordinary means.—It occurred to me before this last conference took place, how little the probability was that the measure thus recommended by his maj. would meet with the success it deserved. I therefore previously prepared myself for endeavouring to derive from it at least the next and very important advantage, that of familiarizing the Danish minister with the prospect of sincere co-operation on the part of Sweden, and of impressing them with the notion that, whatever be the fate of the Swedish overture, the ground-work is thereby laid of a real good understanding between the two countries.—Count Bernstorff acknowledged that his Swedish majesty's desire to have an interview with the prince royal, and the communication of the present overture, would be felt by the entire government; and he assured me, that if Holstein were attacked, the concert between Denmark and Sweden, G. Britain and Russia, would be de facto established, and that this country would be most willing to add every resource of the monarchy to the assistance the allies could furnish.— ———— returned to Copenhagen a few days ago. I saw him the next day. He was more than usually prompt and clear as to the necessity of maintaining the present system. He was averse to the admission of a Swedish army into Holstein, but was persuaded of the advantage of an unreserved intercourse with Sweden. He acknowledged, I may say, the propriety of not defending Holstein (that is, the peninsula,) and as proof of his sincerity in this opinion, remarked that the abandonment of those provinces would expose his own estates to the ravages of the French army. He thought the nature of the embarrassments of Denmark called for the utmost frankness towards enemies as well as friends, and believed that as little remains to be explained to France as to any other country. He appeared on all these points to speak as of so many fresh decisions of council, and desirous I should so understand them.—I make no doubt that the withdrawing of the troops sent to Holstein last year will be completely effected, (Count Bernstorff, however, always speaks of a cordon that will remain,) and that the government is sincere in the determination to oppose every thing to France, if she abuse the extreme condescension to which the prince royal has been brought. ——— glanced of his own accord to the consequences of a contrary line of conduct, and of further compliance towards the French government, and did not scruple to declare, that the effects alone of a war with England must destroy the Danish monarchy in a couple of years.—According, then, to this language, matters have advanced to an epoch in the neutrality of Denmark. Holstein will be deprived of its main defence; it is foreseen that it may be occupied by the troops of France; Denmark will then be in a state of war with France, and will openly concert with G. Britain and Russia, and possibly with Sweden, for the defence of the Danish islands and the Baltic.—To these, the only measures that remain, the different parties may be desirous of directing their own views, and encouraging each other; but I have not scrupled, in conversation with the proper persons here, to speak of this position as fallacious and insecure, because weak in its nature, and liable to be surprised by the arts and activity of the enemy, and by the events which will arise.—If, however, the Danish navy is in the state of forwardness which has been represented, and nothing intervene to disturb the good intelligence of G. Britain and Russia with Denmark, it may still be hoped that every effort of France will fail against the power and resources of the Danish islands.—I have not failed to repeat to this government his majesty's most gracious and friendly offer of assistance and support, if Denmark should ultimately be forced into a war with France for the preservation of her own independence; and I have the pleasure of informing your lordship, that the assurances of this constant disposition on the part of his majesty have been received with every expression that can interpret the fullest sense of the obligations and thankfulness of the Danish government. I have, &c.

B. Garlike.

No. X.—Extract of a Dispatch from visc. Howick to Benj. Garlike, esq. dated Downing Street, Jan 9th, 1807.

His majesty has received with satisfaction the assurances that the court of Denmark is determined to resist the demands of France, if pushed to a point that should be inconsistent with the honour and independence of that power. Of the sincerity and constancy of this determination his majesty's government will not allow itself to doubt. But it is necessary to repeat, that to make such determination effectual, timely measures should be taken.—An immediate junction of a Swedish force to the army of Denmark might, as has been stated by count Bernstorff, put an end at once to the neutrality which the latter government still wishes to preserve. But a previous and confidential explanation and concert with Sweden on the measures necessary for the common defence of the two powers, could not have this effect, and is evidently necessary to render the co-operation offered by Sweden of any advantage, whenever the time shall arrive at which the court of Denmark may find itself desirous of availing itself of this offer.—Upon the best means of defence it is impossible for this government to pretend to form a satisfactory opinion. It may be true that the peninsula affords no position in which the force of Denmark could hope to withstand the power of France; and it may be advisable, therefore, to withdraw the troops for the defence of the islands.

No. XI.—Extract of a Dispatch from Benj. Garlike, esq. to visc. Howick, dated Copenhagen, 28th Dec. 1806.—Received 12th Jan. 1807.

My lord; In your lordship's dispatch of the 3d Dec. the passage relative to the possible sacrifice of a part of the Danish navy to the French, concludes with these words: "Should any question of this sort arise, you will at once state, distinctly, and unequivocally, the feelings of this government upon it."—I have presumed, that this passage gave me some latitude to judge of the propriety, as to time, of making the declaration which the chance of such a transaction would necessarily call for. It is therefore important that I should inform your ldp. that I have not communicated that part of the dispatch to the Danish government. The ground on which I have ventured on such a discretionary reserve is the strong belief, I trust I am justified in entertaining, not only that no proposition of the nature in question has as yet been submitted to the prince royal; but that the military progress of the French arms is not yet such as to suggest an arrangement so incompatible with the sentiments and principles which are known to predominate in that prince's character.—Without, therefore, some new and describable appearance to engage my attention, different from those which had possibly been conveyed to England when the dispatch was written, I humbly trust it is consonant to the feelings of his majesty's government towards that of Denmark, not to have taken a step, which might at this moment only wound the principal persons, and repel the confidence they seem willing to manifest.—The explanation into which I have entered, will, I hope, guard me from the supposition of not endeavouring to give the proper effect to the Instructions in question, on any change of circumstances leading to the supposition of your lordship's dispatch. If I have already expressed some alarm on the chances of so bold an attempt on the part of the French government as that to which I allude, it has not been from apprehension of dishonourable compromise on the part of Denmark, but of the consequences of timidity and inadequate preparation, by which the enemy might be enabled rather to seize the fleet than treat for it.—Your lordship's dispatch No. 7. having been written on the presumption that the French troops had entered Holstein; and probably after your lordship had received the report of the enquiries I had made as to the retreat of those of Denmark (in my No.) I have also for the present desisted from a formal application on the subject of that dispatch; and humbly hope that my conduct in both these instances will not have met with his majesty's disapprobation.—I find it difficult to obtain precise information as to the number of Danish troops in Holstein, because it is not ascertained how far the regiments still there have been reduced. Two regiments have returned to Funen. The Sleswick and Jutland regiments have also returned. Two regiments belonging to the garrison of this place, are left at Kiel, Ploen, and Gluckstadt. Count Bernstorff tells me that four thousand men are on the line between those places; but these must be in the towns and villages. The garrisons just mentioned, and that of Rendsburgh, compose therefore the only remaining active force against the enemy. I shall resume this subject without delay. I have &c.

B. GARLIKE.

No. XII.—Extract of a Dispatch from visc. Howick to Benj. Garlike, esq. dated Downing Street, 22d Jan. 1807.

Upon the points referred to in your dispatches, I have already sent you full instructions. However desirous his majesty may be of preventing any embarrassment to the court of Denmark with respect to the neutrality which that government is desirous of preserving; this consideration, it is evident, can only apply to a real neutrality, and cannot be carried so far as to admit of a succession of measures dictated by the fear of France, which would in effect place Denmark in a situation of aiding the hostilities of that power.—It so nearly concerns the safety of both powers to cultivate the most friendly understanding, in order to prepare the means of defence against a danger which equally threatens both, that this alone ought to obliterate the jealousies which have too much prevailed between the courts of Stockholm and Copenhagen.—So obvious and so pressing a consideration, it is, however, but too evident from the tenor of your dispatches, has not had its due weight; and your constant attention and good offices will be employed to remove, as much as possible, the causes of that mutual suspicion and distrust, which must favour the designs of the common enemy. The evident necessity of providing for the security of his own dominions must, as I have formerly stated, sufficiently account for the preparations of the king of Sweden. Situated as he is, it is as clearly necessary for his Swedish majesty to require an explanation of the intentions of the court of Copenhagen. You will therefore support any requisition of this nature, which may be made in a friendly manner by the Swedish minister, with a view to those preparations of defence so imperiously called for by the present crisis.

HOUSE OF LORDS.

Friday, February 26.

ORDERS IN COUNCIL.] Lord *St. John* rose, in pursuance of notice, to bring forward his Resolutions respecting the Orders in Council. His lordship took a review of the explanations given by the French government of the Decree, and of the documents shewing the manner in which it was understood by the American government, for the purpose of proving that the latter government never acquiesced in the French decree, considered as affecting neutrals, and thence concluding, that this government had no right to issue Orders affecting the American trade. He contended also, that there was no sufficient evidence of the execution of the French Decree, in making captures on the high seas, according to the terms of it, which could alone be evidence of such an execution of the decree as could be considered a violation of the law of nations. The information laid on the table was in this point defective, and did not appear to him to afford any sufficient reason for issuing the Orders in Council, which he considered a gross violation of the law of nations, and fraught with great injustice towards Neutral States. His lordship concluded by reading the following Resolutions:—"1. That previous to the 11th of Nov. last, his majesty's government was not in possession of any proof, nor supposed ground of belief, that the United States of America had acquiesced in or submitted to, or intended to acquiesce in or submit to, the execution of such parts of the Decree of the 21st of Nov. 1806, as purported to impose on Neutral Commerce, restraints inconsistent with the law of nations. 2. That it does not appear, that the said Decree, in so far as it may have been supposed to relate to captures at sea, was in any one instance carried into execution, by the Prize Courts of France, or her Allies, previous to the 11th of Nov. last. 3. That on the 18th of Oct. last, the ministers of the United States at this court, officially apprized his majesty's Secretary of State, that their government had received from that of France, satisfactory explanations and assurances, and that, in fact, the same never had been enforced against the Neutral Commerce of the United States. 4. That no official denial of the facts so asserted by the American ministers, appears to have been made on the part of his majesty's secretary of state; nor any grounds alledged by him in which the American ministers could be questioned. 5. That under such circumstances the issuing the Orders in Council of the 11th and 25th of Nov. last, which Orders purported to compel the trading vessels of the said United States in all their voyages to and from the Continent of Europe to touch at the ports of this country, and to be there subjected, by the authority of the British government, to many and grievous restrictions, and a manifest violation of the law of Nations, and of the rights and independence of a friendly Power."—On the first Resolution being put,

The Duke of *Montrose* rose and said, he perfectly agreed with the noble lord, that although the subject had been already before the house, it was one that merited discussion. He had forborne as yet to deliver his sentiments upon it, from a wish not to make up his mind without giving it the fullest consideration; and having so done, he should not hesitate to give it as his firm opinion, that the Orders in Council were wise, politic, and calculated to answer the great purpose of defeating the designs of our enemy, and ultimately convincing him of his error in the unjust system he was pursuing in carrying on the war. It was the government of France which had violated what was considered the law of nations, and it was prudent in that of this country to retaliate those measures that were aimed at our very existence; if the neutrals suffered any injury, it was France, and France alone, that they ought to look upon as the cause of that injury, and to which alone they ought to look for reparation. In his opinion, it was idle to talk of waiting to see whether the neutrals would have acquiesced in that Decree; for when the distance was considered, it would plainly appear that our forbearance might have continued 3, 6, nay even 9 months, during the whole of which time the enemy would have derived all the advantages they expected therefrom, and England sustained all the injuries that were levelled at her; for, light as some persons might treat the force of France, he could not but recollect that she had still fleets, frigates, and numerous privateers; from these, under that Decree, much injury might have been done, in defiance of that superiority which, he was thankful and happy G. Britain could boast. As to what the noble lord had urged relative to the answer which the minister of marine had given to general Armstrong, it amounted to nothing more than that he thought America was not to be included. But could any man suppose that the *je pense* of a French minister of marine was a sufficient security against a positive decree so plain and direct, that those who ran might read? No; the American Resident ought not to have rested satisfied with less than a formal renunciation, nor could our ministers consider less than that renunciation as a proof that the United States were not included. Nay, upon the question being afterwards put to another French officer, his reply was, that he saw no exceptions. For these among other reasons, he thought our executive government had acted wisely and politically in issuing those Orders in Council; that the Resolutions moved by the noble lord were unnecessary, and he therefore hoped the house would agree with him in his moving the previous question.

Lord *Holland* observed, that the Orders in Council fell far short of that clearness which would enable him who runs to read. He would not now enter into the question of the policy of these Orders, that being reserved for a subsequent discussion, but with respect to the question of the law of nations, he held a very different opinion from the noble duke. If a belligerent adopted a mode of conduct towards a neutral, which amounted to an act of hostility, and in which that neutral acquiesced, then he would admit the right of the other belligerent to retaliate. But in the case of the Berlin Decree, it had not only not been acquiesced in by America, but there was no proof of that part of it being executed which alone was a violation of the law of nations, namely, capturing neutrals on the high seas, for violating the terms of the decree. He contended, therefore, that on neither of these grounds was there any justification of the Orders in Council. His ldp. commented on the Note of Mr. Canning to the American ministers, stating, that it was the duty of the neutral to endeavour to procure the revocation of the obnoxious decrees, a doctrine which he considered as tending to produce endless warfare.

The Earl of *Mulgrave* contended, that the French government having endeavoured to execute its decree of blockade against this country, by the confiscation of all neutrals conveying British produce or manufactures, or trading from the ports of this country, it became the duty of this government to adopt some counteracting measure, which should force the enemy to raise the blockade of this country. That which had been resorted to, was the most mitigated measure that could be adopted with a view to the continuance of neutral trade, and compelling the enemy to receive neutral vessels into his ports trading from this country. If the French decree and the Orders in Council were both executed, then of course there could be no trade between this country and that part of the continent of Europe under the influence of the enemy, some injury would result to us, but the greatest privations must be indured by the enemy. With respect to Mr. Canning's Note, his ldp. referred to the Note of lord Howick, stating that the measures adopted by the Order in Council of the 7th of Jan. would be continued till the decree of the French government was formally repealed, for the purpose of proving that the language in this note was similar to that used by Mr. Canning. His lordship deprecated the conduct adopted by noble lords on the other side, in discussing different parts of the Orders, and called upon them to discuss the whole policy of the measure.

Lord *Auckland* deprecated a war with America, which he considered one of the worst misfortunes that could befal the country, and which he thought the Orders in Council tended to produce.

Lord *Redesdale* contended that the Orders in Council of the 7th of Jan. and those of the 11th and 25th of Nov. were founded on the same principles, and were equally consistent with the law of nations.

The Earl of *Lauderdale* deprecated the mode of argument adopted by the noble and learned lord, by justifying one measure by another. He contended, that the information on the table not only did not prove an increased rigour in the execution of the French decree, but that a great part of it rather proved a relaxation of the provisions of that decree, and he believed, that his noble friends, had they continued in administration, would rather upon such information have been inclined to revoke the order of the 7th of Jan. than to have resorted to any harsher measure. As to the objection, that they discussed parts of the Orders, each part formed a question of the greatest magnitude to the country, and if they were not all discussed together, it was the fault of noble lords on the other side, who had refused to go into a committee on the Orders in Council. A noble duke had quoted the letter of his noble friend to Mr. Rist, to shew that he threatened to put the coasts of the enemy into a state of blockade, as a matter of retaliation. If he had proceeded but four or five words farther, he would have seen that the noble lord's words were, "that G. Britain would have enforced such blockade by its maritime superiority," a thing which made the measure legitimate, and consistent with the law of nations; and there was not one word to shew that they meant it in mere retaliation.

The Earl of *Westmoreland* said, that noble lords made the inconsistencies of which they complained. They would not divide the question of the Orders in Council into two points of view, in which it ought to be considered—into that which the crown did from its prerogative of war, and what was agreeable to the municipal law of the land.—In adverting to America, he warmly contended that the measures of the late government caused that irritation which appeared in the disposition and councils of that country; and concluded by expressing a sentiment of amity and friendship towards that country, whose very existence he considered to depend upon the greatness and prosperity of this.

Earl *Grey* vindicated the late government from the aspersions that had been thrown upon them, by asserting that the Order of the 7th Jan. was an act of retaliation, and that it avowed the principle upon which the Order in Council of the 11th Nov. was founded. He distinctly shewed, that there was not the slightest similiarity, and he strongly animadverted on the disingenuous manner in which a noble and learned lord had partially quoted and misrepresented his note to Mr. Rist. He also explained the course of proceeding which had been taken with respect to America, and shewed that the declarations made to them by the late government, had been satisfactory, as would have been proved to the house, if the Answer to Mr. Madison had been laid upon the table. He observed, on the reparation made by the present ministers for the affair of the Chesapeake, that it had at least been tardy, since several months had elapsed before the departure of Mr. Rose, and he expressed his fears, that at the very time they were now debating the Orders in Council, as they applied to America, ministers might be in possession of the determination of the American government on the point.

Lord *Hawkesbury* entered at length into the pretended distinction between the Order of the 7th Jan. and the late Orders. He declared that he could not discover any difference in principle, and scarcely any difference in language. When noble lords said it was not an act of retaliation, they should look back to the Papers, where it was distinctly stated to be in retaliation of the enemy's Decree. But neither that measure nor the present, though in their consequences they touched neutrals, could be said to be against neutrals. They were against the enemy, and it was only by their consequences that they affected neutrals. This was the nature of all belligerent acts. A measure was taken by the enemy in hostility to us, and which in its result affected neutrals; we retaliated on the enemy and that also affected neutrals; but surely they could only complain of the original aggressor. With respect to the tardy reparation made to America for the affair of the Chesapeake, they had made instant reparation, even before any remonstrance or complaint was made. They expected that the American ministers would have been intrusted to settle the business here. And so they were; but their instructions were to mix so many other matters with it, that it was found to be impossible, and so at length they determined to send Mr. Rose to America. He defended the measure of the Orders in Council as indispensible on our part, and argued that the proofs of the submission of neutrals to the Decree of the French were clear and manifest. The answer of M. Decrès to the application of Mr. Armstrong was by no means satisfactory. He stated only his own opinion, whereas he ought to have given the explanation of the government.

Lord *Grenville* combatted the arguments on the other side. His lordship reviewed the decrees of France against the trade of this country, and cited the few instances in which they had been fully enforced: he admitted the right of fair retaliation, provided it did not extend to the injury of neutral powers. He adverted to the calamities which must arise to our merchants and manufacturers by enforcing these orders in council; and the mischievous consequences to our West India colonies, should the differences between this country and America long subsist; and concluded, by advising his majesty's ministers to adopt those measures now that would be considered as acts of generosity and conciliation towards that country, rather than wait for the time when they must adopt them through necessity.

The Earl of *Galloway* contended, that the justification of ministers might be drawn from the speeches of noble lords on the other side of the house, who all made the reservation that the maintenance of our maritime rights ought to be paramount to every other consideration. The Orders in Council, he considered a just and a wise measure, which should therefore have his support.—The house then divided—For the

previous ques.... 66,... Proxies 71—137
Against it ..... 24,... Proxies 23— 47
Majority .... —90.

HOUSE OF COMMONS.

Monday, February 29.

[King's Message respecting an Annuity to the Family of the late Lord Lake.]—The house went into a Committee on his majesty's message respecting an Annuity to the Family of the late lord Lake.

Lord *Castlereagh*, in calling the attention of the committee to his majesty's most gracious Message, trusted that the propositions he had to offer in pursuance of that Message, would find but little difference of opinion as to the propriety of acceding to it. When his majesty called upon parliament to substantiate those marks of his royal favour and approbation which he conferred upon distinguished naval and military characters, the house of commons always answered the call with promptitude and liberality. The reason why this application was not made immediately on the intelligence of the service done, and at the same time that the highest honour his majesty could confer was bestowed on lord Lake, was, that lord Lake was then absent in India, and it was not known that his circumstances were such as to require the aid of public liberality. After the return of the noble lord, which was soon followed by his much lamented death, he received such marks of the favour of the crown, and other distinguished branches of the royal family, that he felt himself in some measure able to support his dignity without public aid, and he, of course, felt unwilling to come forward with such an application as that which gave rise to his majesty's gracious Message, now under consideration. This country had by his unfortunate death lost one of its most valuable military officers, and on inquiry into his circumstances, they were found inadequate to support the hereditary honours his majesty had bestowed as the reward of his services. Thus, while the services were of that distinguished nature as to afford the strongest claim to parliamentry reward, the circumstances of the family were such as to strengthen that claim. Lord Lake's military life had been a succession of brilliant and meritorious actions, from the time of the American war down to his last campaigns in India. Some of his lordship's acts were such as to bring home to him personally, the whole merit of the success of some of the most distinguished victories gained, among which he was bound to particularize that of Lincelles by the British arms. Never, in fact, did any man present to his troops, in the day of battle, more striking examples of every quality that were calculated to inspire valour and to lead to victory. The same principle to which the French generals owed most of their victories in the late wars, that of exposing their own persons in every point of imminent danger and apparently doubtful issue, was eminently conspicuous in lord Lake's military conduct. Whatever difference of opinion might exist, with respect to the policy pursued in the recent government of India, certainly there was room for no difference as to the importance of the services rendered by lord Lake in the military department. This would be particularly felt at the present moment, when the French, meditating an attack upon our Indian empire, were obliged to wait to establish a footing, and to break ground in Persia, instead of commencing at once on the banks of the Jumna or the Ganges, with a Mahratta army disciplined and commanded by French officers. To lord Lake belonged the merit of dispersing and destroying that army, and thus establishing the security of our Indian empire on a basis more solid. He did not think it necessary to enter more at large on the subject, as he felt that every one must be sensible of the value of the services of the illustrious deceased. He should also, to save the time of the committee, state now another motion which he intended to offer after the one founded on his majesty's message should be disposed of. This was a motion for a monument to be erected to the memory of lord Lake. He was aware that this was a testimony of public gratitude, seldom asked but when the individual fell in battle, in the moment of victory, or died of wounds received in the country's cause. But, there were some few instances which were particularly distinguished from this rule, and when repeated signal victories had been gained without depriving the country of the life of the person who had achieved them. Lord Howe's life of glory had been thought worthy of this distinction, and he trusted there would be found equal ground to make a similar exception in favour of lord Lake. This was a reward the most cheap, and an incentive the most powerful. He had further only to add, that as it was just and customary, that the pension should commence from the time of the act that called for the exercise of the royal prerogative and bounty, lord Lake's forbearance from preferring his claim, should be no bar to the benefit being enjoyed from the date of the battle of Delhi, from which he derived his title. This extension of the grant would afford the means of making some arrangements for the benefit of the female part of the family, who, he was very sorry to say, were left in a most unsatisfactory state. The late lord Lake having died before the application to parliament could be made, his life was not counted as one of the three for which it was usual to grant provisions of this kind. The grant would be to the present lord and the two next heirs. The noble lord moved accordingly, "That the annual sum of 2000*l.* nett be granted to his majesty out of the Consolidated Fund of Great Britain, the said Annuity to commence from the 11th Sept. 1803, and be settled in the most beneficial manner upon visc. Lake, and the two next succeeding heirs male of gen. visc. Lake, deceased, on whom the title of visc. Lake and baron Lake, of Delhi and Laswary, and of Aston Clinton, in the county of Buckingham, shall descend."

Mr. *Whitbread* said, although he had no objection to go with the noble lord in the very high encomiums he had bestowed upon the military character of lord Lake, and to acknowledge that he had rendered important services to his country, yet, whatever might be his own wish that those services should be remunerated with liberality, still he felt it a duty paramount to all delicacy upon the subject to declare his sentiments, when the purse of the country, already so heavily burthened, was in question. His majesty's message proposed to the house merely a provision of 2000*l.* a-year to the two next heirs in succession of gen. Lake; but the noble lord had now proposed not merely to extend this annuity to another generation, but to give it a retrospective operation, to no less an amount than 9000*l.* The noble lord had pleaded, in excuse for not having sooner proposed this remuneration, the great distance at which gen. Lake was; but that circumstance did not preclude the knowledge of his services, nor prevent his majesty from immediate remuneration, if it were deemed necessary; but at the end of five years to bring forward this proposition, and to claim arrears for all that time, though no remuneration was till now thought necessary, was what he could not accede to. The noble lord had been in possession of very lucrative employments, which enabled him to receive large sums of money; so large, indeed, as to render it quite indecorous to come forward during his life-time with such a proposition as this; but no sooner was he deceased, than it was found out that his affairs were so embarrassed as to leave his heirs totally unable to support the dignity of the rank they inherited. Certainly, the condition of the family of lord Lake, as represented by the noble lord, rendered the duty extremely painful of disapproving any provision for the successor of the noble lord; and to prevent, as it were, the peerage from being sullied, he would consent to the 2000*l.* a-year; but to the grant of 9000*l.* and the expence of a public monument, he should decidedly object.

Mr. *W. Dundas* supported the claims to the pension and the monument. He thought it the strongest recommendation of lord Lake, that he had returned from filling one of the highest offices in India, comparatively poor.

Mr. *M. A. Taylor* admitted that lord Lake had had liberal allowances to support his dignity in the station he had filled; but his expences were fully equal to them. The splendour of his appointments, the hospitality of an open table for his officers, and the well-known acts of his private munificence, had prevented him from accumulating money; and when it was recollected, that, at his decease, the only provision he was able to make for his several daughters was 1500*l.* each, he was confident, that a British house of commons would never consider such a provision adequate for the daughters of such a man. Happy would it be for England, and for India, if every commander sent thither imitated the principles and the conduct of lord Lake! He did not use his power for the purposes of plunder to enrich his family. He returned from India with only a fortune of 40,000*l.* to provide for a wife and seven children. Sir John Stewart had received his pension in consequence of his services; and that gallant general, although a single man, had declared to him he never could save any thing from the allowances assigned him; but if military officers who happened to be married were to devote their whole lives to their country's service, and were taught not to look up to their country for any provision for their children, left destitute by their deaths, it were better to pass a law at once, binding them to chastity like Catholic priests, and thereby prevent them from having children to provide for.

Lord *Castlereagh* had not thought it necessary to be so particular in stating the narrow circumstances of lord Lake's family; but he believed, that in fact, these ladies would take, under the will, little more than half the sum mentioned by the hon. member who had just sat down.

General *Tarleton* supported the motion, and detailed the particulars of the storming of the trenches at Lincelles, defended by 6000 French troops, by 1600 British under lord Lake. It was an additional claim, that the noble lord had returned from India in circumstances that formed a direct contrast with those in which Lucullus returned from Asia, and Massena from Italy. There could be nothing, in his opinion, more honourable to that noble lord's character, than that he returned from India poor, and died honourable. As to the proposed monument, it had his hearty assent, as he was convinced there was not a greater idol throughout the whole army than the late lord Lake.

Lord *Folkestone* said, he felt disagreeable sensations in opposing this resolution, but he did it upon general grounds. If the argument that had been used as to the late lord Lake's poverty was good for any thing, it must go to this, that if any person who had signalized himself in the service of his country, should, notwithstanding his lucrative situation, die, leaving his family poor, they were to become a burden upon the public. He should forbear discussing the general services and merits of lord Lake, as he had heard no arguments used that could justify the motion that had been made. He could not agree that a monument should be erected to his memory at the public expence, as that was an honour that ought not to be conferred on any officer who had not fallen in the moment of victory.

Earl *Temple* differed from the noble lord who had just sat down, as he could not conceive there could be a greater claim to public gratitude than that which had been stated. In his opinion, lord Lake's having returned from India to this country, and dying under the circumstances that had been represented, not only entitled his family to the consideration of the public, but shewed that he had acted in a manner highly creditable to himself, and honourable to the nation. He trusted, however, that the house would not suffer his children to remain in such a state of honourable poverty.

Mr. *Sumner* contributed his testimony to the eminent services and qualifications of the noble general. It was true, that the emoluments of his situation were great, but his private charities, and his generosity to the officers engaged in the same service, exhausted his fortune to an extent which it would be difficult to ascertain. As to the observation, that the application might have been made sooner, he should only remind the house, that so long as lord Lake was in the enjoyment of such emoluments abroad, his disposition was such that he disdained making any application for further rewards at home. This inclination to withhold his just claim, gave that noble lord, in his opinion, a greater title to the gratitude of his country. He even thought, that what was proposed to be granted was not sufficient, and nothing prevented him from moving for a greater allowance, but his unwillingness to interfere with those whose duty it was to suggest and propose what they conceived proper upon such an occasion.

Colonel *Wood* said, that he never rose with greater satisfaction than he did in supporting this motion, for if ever there was a man entitled to the gratitude and esteem of his country, it was lord Lake. He was unwilling to detract from the merits of lord Howe, but he could not help thinking, that the eminent services of lord Lake, in India, were of infinitely greater importance to the country, and well entitled him to that monument which was proposed to be raised to his memory.

Mr. *W. Smith* said, that he had information which induced him to believe, that although lord Lake might have died worth only 40,000*l.* he brought with him from India nearer 140,000*l.* He thought that in all such cases a committee should be appointed to inquire into the actual circumstances of those who claimed pensions. If lord Lake's poverty proceeded merely from his neglecting to embrace the opportunities which presented themselves to him of enriching himself, it would be the brightest jewel in his character. He had, however, reason to believe that such was not the fact. He had, however, no objection to the peerage being accompanied with a pension, as he thought not only dignity but independence should be attached to a peerage. He had understood, that the real cause of lord Lake's dying in such moderate circumstances, was, that he had honourably discharged out of the money he made in India, those immense debts which he had previously contracted in this country.

Sir *A. Wellesley* said, that it was very true that lord Lake was greatly in debt previous to his going to India, and to the discharge of those debts, the residue of his pay and appointments, after the necessary expence of his establishment was deducted, was constantly applied, and paid over to an agent that went from England for that purpose. As to the circumstances of lord Lake's family, he knew that his family estate only amounted to about 800*l.* a year, and that the money that he died worth was only from 35,000*l.* to 40,000*l.*

Such being the actual state of his circumstances, it was evident that the dignity of the peerage could not be supported by his successor, nor his family provided for, unless the house should agree to grant the pension.

Mr. *Whitbread* did not deny that lord Lake had performed great services; but still he did not think those services of so pre-eminent a nature as to be entitled to such extraordinary rewards. In the actual circumstances of lord Lake's family, he could not object to the usual pension of 2,000*l.* per annum, although he must object to the additional grant. Applications to the house for pensions of this description were made on the ground of services, and not of poverty. When the great duke of Marlborough rendered the nation important services, they were most munificently rewarded. The munificence of the nation in this respect, was not on account of the circumstances of the duke of Marlborough, for he was not a poor man, but it was proportioned to the services he had performed. If lord Lake had performed services of that description, the reward would have gone on the same principle. He believed that lord Lake was a very brave officer, and much beloved by the army; but mere gallantry as an officer did not entitle any man to claim such rewards. If it were so, the hon. generals who had spoken might also claim pensions of 2,000*l.* a year: although the house might be very well prepared to admit their merits, yet they would be very unwilling to grant them the pensions. In the present case, he saw no other plea for the extraordinary grant, except the necessities of lord Lake's family.

Mr. *Lushington* said, that, as it was stated that the fortunes of lord Lake's daughters did not exceed 1500*l.* he thought it would be much better to give the sum of 9000*l.* among the younger children, than make it a present to the inheritor of the title.

Sir *F. Burdett* rose to enter his protest against the grant. He had two objections; one on personal grounds, and the other upon constitutional grounds. The personal objection was this, that when any individual came forward to claim a pension on the ground of services, those services should be of a very distinguished nature. There ought not to be any necessity for asking when and where those services were performed; but they should be services of that brilliant kind, that the fame of them should ring through the world. In the present circumstances of the country, when the people of England were burthened and exhausted with taxation, he did not think that any extraordinary grants of money should be voted as a remuneration for services which were not in themselves of extraordinary merit. This was the whole of the personal objection, as he did not deny that lord Lake was a gallant officer, and had performed some services, although he differed with many hon. members as to the value of those services.—His great objection, however, to the grant, was upon constitutional grounds. He thought that his majesty had ample resources and means to reward every merit of this nature, and that there was no necessity for applying to parliament to lay a new burden upon the people. He should ask, what had become of all those sinecures which were at the disposal of the crown, and under the patronage of ministers? Whenever they had been alluded to in that house, it was always argued by ministers, that these things were very necessary, in order to enable the crown to reward eminent services; but, whenever there were any eminent services to be rewarded, instead of giving any of those places which it was pretended that they ought to have the patronage of, for the reward of eminent services, the real reward was always made to come by imposing an additional burden on the people. He should wish to ask the gentlemen on the other side, what kind of eminent services those were, for the reward of which those things were given? They were services which never saw the light—services which none but the ministers knew any thing about. When, however, any real service was performed, they applied to parliament to reward it, by laying additional burdens on an exhausted people. On this principle, he felt it his duty to take the sense of the house upon the motion, and call for a division. As to the merits of lord Lake, he thought that was a very minor consideration. Whatever the merits of that gallant officer might be, the remuneration he received was not behind them. There were many other gallant officers who had performed services which had been by no means rewarded in the proportion that lord Lake's had been. He believed that if lord Lake were now alive, he could not consent to put in a claim for additional grants to reward his services, which grants must be another burden imposed upon an exhausted people. If his merits had been great, the merits of the people of England were not small. They had submitted with unexampled patience to privations and sufferings of every kind. If all merit was to be rewarded, where was their merit to find its remuneration or reward? The only reward which they could receive was from the watchful attention of the house over their purse, and to prevent any unnecessary burdens being imposed on them. From these considerations, he felt it his duty to oppose the motion.

The *Chancellor of the Exchequer* said, that he should not feel it necessary to trouble the house with many observations, as the grounds stated by his noble friend appeared so generally to meet the approbation of the house. He perfectly agreed with the hon. baronet who spoke last, that the people of England had a right now, and at all times, to claim from that house a vigilant attention to the economical management of their affairs; but he believed the hon. baronet would not convince the house or the country, that parsimony in rewarding eminent services was the best or truest economy. If, as the hon. baronet had stated, the present times were times of great peril, there was the more necessity for marking their sense of distinguished military services. He could not see what practical object could be accomplished by declamations on the merits of the people of England, although it was undoubtedly true that they had considerable merit in bearing so well the burdens which the necessity of the times imposed upon them. But how was this merit to be rewarded? Was it by giving them pensions of this nature? If not, he did not see how that argument bore upon the present question. The hon. baronet had talked of the unexampled means which the crown possessed of rewarding merit of this sort. He knew of no such unexampled means; and the hon. baronet might have known, that the crown was limited in the power of granting pensions on the Civil List, and could not give a greater pension than 1,200*l.* per annum, which, after all deductions, would not produce more than 800*l.* per annum clear; and that would be evidently inadequate for the reward of such services as those of lord Lake.

General *Gascoyne* observed, that while the hon. baronet thought that the merit of lord Lake was no ground for the pension, a noble lord who sat behind him (lord Folkestone) had contended, that the necessity of his family was no ground either. If, then, both the grounds of merit and necessity were taken away, the motion must be, of course, rejected. In speaking of the merit of lord Lake, from his own knowledge, he would say, that he was as cool and intrepid as any man in action, and that his generosity was shewn nowhere in a more conspicuous manner than in the field of battle. He not only distinguished himself for his humane attention in visiting the sick and wounded, but he often supplied their wants from his own means. His table was not only open to his brother officers, but his wine went to the sick and wounded of the private soldiers. He did not think that the hon. baronet would condemn an expenditure of this nature, or think that his family should suffer from his well-directed liberality.

Mr. *Bankes* said, that, under all the circumstances of the case, he must agree in voting for the motion. He believed, in general, that the rewarding merit was the best economy; yet although he agreed in the propriety of the pension being now granted, he did not believe that the house could ever have been persuaded to agree to it, if it had been applied for immediately after the battle of Delhi, and when lord Lake held such important and lucrative situations. He believed that he carried his wishes as far as any man for every possible retrenchment in the public expenditure, but he disclaimed the idea of participating in the sentiments which had been delivered by the hon. baronet, and which he conceived would produce no other effect except to cause discontent. He disapproved, generally, of the want of discrimination on the part of ministers, in bestowing titles upon persons who had not sufficient fortune to support their rank, and who must then become either pensioners of the crown, or burdens upon the people. There were more pensions of this sort given to persons of the most distinguished rank than the country were aware of. As to a public Monument, he did not believe there was any case since the death of lord Howe, where that honour was conferred on any military officers, except those who died or received wounds in the field of battle. He begged leave, however, to assure the military men who were the personal friends of lord Lake, that in any observations he made, he was only actuated by public motives, and by no means wished to derogate from the character or services of that gallant officer, or to take away any thing from the fame and glory which he had acquired.

Lord *G. Cavendish* agreed with the hon. member who spoke last, that titles ought not to be bestowed without great consideration, both of the services of the individual and of his means to support the dignity and independence of the peerage. He thought the peerage was often very improperly given to military men, whose services were by no means of the first order. This, however, was not the case with respect to the gallant officer, whose merits and whose claims were now under consideration. He should think the house would act in a niggardly manner, if they were to refuse what was now proposed for the family of lord Lake.

Mr. *Lyttleton* said, that although he did not pretend to be a perfect judge of the military merits of lord Lake, yet every body had agreed that the merits of the noble lord were conspicuous, and that if they were not of the first class, they at least approximated very much to the first class. Instead of wishing that services of this nature should be rewarded by the crown, without the intervention of parliament, he should wish the rewards of merit and public service to flow more immediately from the people. He wished the patronage of the crown was retrenched; and he thought the ministers would have come down to the house with much more grace, if, when they made an application for this grant, they had pointed out a corresponding retrenchment.

The *Secretary at War* bore testimony to the professional merit and important services of lord Lake. He thought, that upon constitutional grounds, it would be dangerous and improper that poverty and the peerage should be associated together.

Mr. *Tierney* expressed a fear, that it would be considered, that the house shewed too great a readiness to dispose of the public money. He agreed implicitly with the hon. baronet, that the house should anxiously watch over the expenditure of the public money; but he did not think the people would thank him for his anxiety in watching over the public expenditure, so far as to refuse a well-merited reward to a gallant officer. The first question which he thought ought to be considered was, whether he had deserved the peerage or not; and secondly, whether the grant proposed was a proper one. He would not however allow, that whenever a peerage was granted on account of military services, a pension should be voted by that house. He should now take the opportunity to lay in his claim to protest against this doctrine on a future day, if it should be proposed in favour of other new-made peers; but as for lord Lake, it must be allowed that it was almost impossible for any British officer to be placed in a higher or more responsible situation than he was; and then the question would be, how did he perform his duty in that situation? It had been generally admitted, that no officer could have conducted himself with more integrity. He could speak from the means of information which the situation he had lately held (President of the Board of Controul) gave him. The merits of lord Lake were not merely in the field of battle, but he conducted himself with great ability in some delicate negociations with the native powers of India. He thought a person placed in a high and responsible situation, and who was eminently successful, did deserve the peerage, and that the grant proposed was not too much. The utmost pension which the crown had the power of bestowing, which was 1200*l.* per annum nominally, but really no more than 800*l.* would be by no means an adequate remuneration for such services. As to a public monument, he could wish that that honour should be reserved exclusively to those generals who received their death in the field of battle. The East India company were, however, often liberal in those things; and as his principal services had been performed in India, he thought it would be becoming in them to take this part of the expence upon themselves.

Mr. *W. Smith* said, that from the arguments he had now heard, he wished to retract the opinion he had expressed about the public monument. He defended the observations of the hon. baronet from the constructions which had been put upon them.

Sir *F. Burdett* said, that he had been most entirely misrepresented by the right hon. the chancellor of the exchequer as to what he had said about the means which the crown possessed of rewarding eminent services. He had not alluded to the pension list, or thought of it; he alluded directly to the great offices, sinecures and reversions, which ministers always pretended were necessary, in order to allow the crown the means of rewarding eminent services. He was surprized that the right hon. gent. should have mistaken his meaning so widely, especially when that right hon. gent. needed not to look beyond his own family to know what sort of sinecures and reversions the crown had to bestow as the reward of eminent services. If ministers had come down and told the house, that it was parliament alone which ought to assign the reward to eminent services, and that therefore all those useless sinecures, reversions, and incumbrances should be done away, the question should be entirely altered, and he should then have no objection to vote a liberal remuneration for any eminent services performed to the country: the right hon. gent. best knew what kind of services it was, which was rewarded by such sinecures as his family and many others possessed. Their eminent services might be well known by the servants of the crown, but the people of the country knew nothing about them. Whenever the slightest service was rendered which could bear the light, or which could be stated to parliament, there was immediately an application for a reward, which was not to come from what was in the patrónage of the crown, but from an additional burden imposed on the people. An hon. gen. (Mr. Bankes) had thought it necessary to disclaim his political opinions, and all participation in them. This disclaiming of the hon. gent. should not, however, make him hesitate to state those opinions to the house, whenever he was convinced that he was prompted by no indirect view, that he was labouring from no party motives, or any wish to bring in one set of ministers or turn out another; but exercising that duty of a member of parliament which he conceived himself most peculiarly called upon to discharge.—Standing, as he did, on a great constitutional ground, he did not feel that he was called upon to enter into a discussion on the personal merit of lord Lake. Discussions of this sort were always most disagreeable; and there could be nothing more painful to a gentleman than to be obliged to say any thing which would appear to derogate from the merit of a gallant officer who was no more, and who appears to have been beloved, and perhaps very deservedly, by his brother officers. He should, however, say, that the services of lord Lake were not of the most distinguished rank; they were nothing like the services of lord Nelson. He did not know that the country owed any particular gratitude to him; and he thought, that if one tenth part of the rewards which had been given to lord Lake in his lifetime had been distributed among many other gallant officers, whose merits had been unrewarded, the army would have been much better contented. It was the opinion of many persons that his rewards far exceeded his services. As to the great victory that was spoken of at Delhi, he must ask, who ever went to India that did not win battles? When the brilliant victories of lord Lake were mentioned, he might, if he pleased, mention also some remarkable failures. He did not wish, however, to go into this discussion, because he rested his argument not upon the circumstances of this peculiar case, but upon the general constitutional ground. He would not be prevailed upon by any false colouring of the services of this man, or of that man, to depart from the general ground of objection which he had considered it his duty to make. He should, therefore, persevere in taking the sense of the house; he should use this common expression, although in 'fact the sense of the house' was known as well before a division as after it. Another right hon. gent. (Mr. Tierney) had appeared very anxious to guard himself from any suspicion that, by his vote to-night, he was departing from those political opinions which he professed himself to have been so constantly attached to. The right hon. gent. might make himself quite easy upon that head. He might be sure that he would not be suspected of acting from any other sort of principles than those which had hitherto guided his political conduct. After the explanation which had been made of the sentiments he had before delivered by an hon. gent. he did not feel it necessary for him to make any further explanations; but as he conceived that the present motion went to lay an additional and unnecessary incumbrance on the burthened and exhausted people of this country, he must persevere in his intention of resisting it to the utmost, and dividing the house upon it.

Mr. *Biddulph* stated his sentiments shortly against the motion, as he thought there was sufficient ability in the crown to grant the necessary reward.—The gallery was then cleared for a division. While strangers were excluded, the house divided twice. The first was upon the grant of the pension generally: Ayes 210; Noes 26.—The second division was upon the pension being granted from the date of the battle at Delhi: Ayes 202; Noes 15.

HOUSE OF COMMONS.

Monday, February 29.

MEDIATION OF RUSSIA AND AUSTRIA.]—Mr. Whitbread rose and spoke nearly as follows:—Mr. Speaker; It has been announced, in the Speech delivered by the Lords Commissioners at the opening of the present session of parliament, that this is the crisis of the fate of the country; and I believe the assertion to be true. At various epochs of the war, persons speaking in this and the other house of parliament, have used the epithets alarming, disastrous, tremendous; and each has appeared to be appropriate to the period at which it was spoken, till at length an accumulation of events has brought us to the crisis of our fate. It still remains to be decided, whether that crisis shall lead to the destruction or the salvation of the empire. I profess myself to be of a disposition rather sanguine under the pressure of political difficulties; and I am so, not only from constitution of mind, but also upon the principle, that no man ought to enter into the business of public life, without a determination never to despair of the public welfare. Such is the power of true wisdom, when once applied to the conduct of human affairs; such is what may be termed its *vis medicatrix* that no situation can be imagined so desperate as not to admit of remedy. It is absolutely necessary, however, to use the time which yet remains, with discretion, and we are in a situation in which no fresh error can be committed with impunity. I have felt it therefore to be my duty at this particular moment, to bring to the recollection of the house the transactions of the last few months, to propose the expression of an opinion upon the conduct of ministers with regard to our foreign relations during the time they have been in power, and a mode of proceeding for the future.—I am not presumptuous enough to imagine, that what I shall submit to your consideration will prove an infallible remedy; but at the same time I have a right to hope that my advice, if adopted, may probably, or possibly at least, lead to political salvation; for the experiment which I have in view, has been hitherto absolutely untried. We are at present, in my view and estimate of things, grovelling in error. The country is in a state of delusion, which was at the first artificially created, and has been kept up from time to time for interested purposes, till at last the whole community appears to be, in an alarming degree, the too willing slave of its own prejudices. My object is to dispel these clouds, to lead the house, and the country to the true knowledge of the circumstances in which we stand, to ascertain whether our ruin be inevitable, and our salvation impossible; to induce you to act with justice both to yourselves and others; that, if it should please God that this great nation should at last be overcome, we may meet our fate with the resolution of men who had done all which depended upon them to avert it; and that if we do perish, we at least may perish in the light of day.—Sir, I do not intend to bring before the house the distresses of any of our countrymen arising from the war; and indeed I have refrained from all minute enquiry into the particular embarrassments felt in various of our most important branches of commerce, lest I should be tempted to dwell on the detail of such grievances, and appear to confine the matter now before me to narrow, or to party grounds; or to induce the house to adopt a plan of action founded upon that, which of itself would not afford its justification. But there are many symptoms confirming the statement made in the speech of the Lords Commissioners, which it is impossible totally to overlook. The most prominent of them are the petitions, now lying upon your table, praying you to advise his majesty to enter into a negotiation at the first convenient opportunity, and which we are told, have already been signed by no less than from thirty to forty thousand persons. These petitions have this peculiar character about them, that they are the spontaneous expressions of those who have signed them. In this view, they demand our peculiar attention. For however strong our party divisions may be, however contentious our debates, I think that no one will presume to say, that any party influence has been used for the purpose of procuring them. At former times, it is well known that the whole weight of persons of consideration in the country, has been exerted to induce particular counties, districts, or towns, to come forward to express their opinions, either with regard to wars that might be then depending, or upon any other subject of political importance. Such has not been the case at present. Here give me leave to observe, that such petitions have at different times produced the most beneficial effects. What put an end to the American war, but the petitions of the people? What produced those petitions, but the ruinous consequences of that war, which was at its commencement, and during a great part of its progress, a popular war? It was not till the stagnation of commerce, which at length took place as one of its deplorable effects, that the people were roused to a sense of their situation; when roused, their efforts produced the peace of 1783, which no one will now say was not a blessing to the country. But the petitions in those instances were excited and supported by sir George Saville, and other men of high character and eminence in their day: these now before you are the unsolicited expressions of the feelings of the people. Observe their character, their tone, and their temper. They relate the distresses of the petitioners without exaggeration, they propose, most respectfully, their wish that an attempt may be made to put an end to the war, by the continuance of which they declare that their ruin will be produced; but at the same time they manfully assert, that if the demands of the enemy should be found unreasonable, or inconsistent with the honour of the country, they will perish rather than submit. Their moderation calls for our applause, their sufferings must excite our attention, and in their final resolution we must be all prepared to join.—Many gentlemen have delivered their sentiments in this house upon the propriety and policy of these petitions. I am afraid the majority of opinions is against them; and certainly whatever influence has been exerted, has been adverse to their adoption. But such attempts have been, and must be in their nature vain. I also think them unconstitutional and impolitic.—I am glad to see the petitions upon the table of the house. First, because I know that when people feel acutely, they will express their feelings, and that if driven from what is their ordinary course, they must resort to a channel which would be neither so desirable nor so constitutional. Secondly, because I believe that the present ministers are extremely unwilling to negociate, and I am desirous in the actual circumstances of the country, that they should be forced to make an experiment, which (I repeat) has never yet been tried. It is absurd to suppose that the petitions can give encouragement to the enemy. He must be acquainted with the state of the country, and if he were not, the very attempt to put down petitions, would prove to him two things:—first, that the distress actually exists, and, secondly, that you are afraid of its being known. By the very attempt to conceal you reveal the fact. Therefore, sir, I trust that these petitions will multiply, and that they will adhere to the same temperate, firm, and respectful language which has hitherto been used. If I were to devise a form in which petitioners should address this house, most meritorious for feeling, for manly fortitude, and for respect to the body before whom they appear, I should with perfect satisfaction exemplify my ideas in the words of the Bolton petition. [Here the hon. gent. read the said Petition, which will be found at Feb. 22.] Sir, it is necessary, however, for me to observe, that these petitions have had no influence upon my conduct on this day; I have not corresponded, or had any communication with any of the petitioners. I have neither impelled them, nor am I impelled by them. I act upon a deliberate view of the circumstances of the country. I certainly take upon myself a great weight of responsibility, both as to the act itself, and as to the time of performing it; but as I can have no hesitation as to the expediency of submitting my proposition to parliament, so it appears to me, that this, of all others, is the moment in which the step ought to be taken. I have waited for some time after the production of the papers, which by the King's command were laid upon the table of the house, for the purpose of obtaining further information, some of which has been afforded by ministers, but no rational hope can now be entertained that they will concede further on this point. And if any one could have flattered himself, that from France would have come any additional overtures, I think that expectation must now be at an end. The period of the year is advancing, in which the armies will begin to march. We are in a most critical situation with regard to America, and every thing seems to portend, that if the present moment be lost, none other so favourable can occur.—The circumstances in which we stand are rendered more alarming, from the spirit and conduct of administration. Putting aside, for the present, all consideration of the means by which they obtained their power, I look only to their character, while in power; and if I contemplate the repulsive arrogance of their communications, their destructive activity of enterprize, their perplexed and crude efforts at commercial regulation, mixed with the symptoms of narrow-minded and cruel policy, which I see in this house, if the fate of the country be really doomed, it appears to me that they are expressly designated for its consummation. What has happened upon the continent within the period of their official life? After the dissipation of the delusion so widely diffused, respecting the eventual success of the allies in the last campaign, and of the error under which we laboured, as to the triumph of the Russians in the battle of Eylau; after the Prussian monarch had twice refused the overtures of France to conclude peace, and rejected the armistice which was signed in his name, some affairs of lesser importance were succeeded by the battle of Heilsbron, which was immediately followed up by the fatal battle of Friedland, in which the remnant of the Prussian monarchy was consumed, the remaining forces of the Russian empire completely defeated and put to flight, and the assertion which I made in this house, in the latter end of the last session of parliament, was verified, the Emperor of Russia was prostrate at the feet of France. I will not now enter into any detail of the complaints which have been brought by Russia against this country, for neglecting to assist her in the moment of her need. I will not enquire whether the predecessors of the present administration were or were not to blame, whether they did or did not deceive the Emperor of Russia. I will grant it either way, for the purpose of avoiding controversy upon that point to-night; and in the view of my argument, it is unimportant which of these statements be true; but this is certain, that for the events, which I have just mentioned, the present ministers are not responsible. No, their responsibility arises from far different causes. Denmark in the course of the last summer has been attacked, insulted and calumniated: but she has been left with her strength unimpaired, and from a neutral forced into the situation of an enemy.—Russia, from an ally, is now in arms against you. America is on the eve of war, and the opportunity of obtaining a decision in our favor, when decision had become necessary, absolutely and entirely lost. In the place of that political wisdom which is expert at seizing those moments which folly overlooks and indiscretion neglects, the whole mind of the administration is employed in absurd custom-house regulations, which never can be executed, but will only remain a monument of their political weakness. For the situation of Denmark, Russia and America towards us the ministers are responsible.—Sir, the war has been described by them, in the same speech from the throne, as a war purely defensive. There can exist no reason, therefore, against its termination, arising out of any expectations of positive advantage which can be formed from its continuance,—it must be a question purely of terms. Our means of defence, in the strict sense of the term, are great, although not perhaps adequate to the greatness of our external possessions. Our means of defence, by the way of offence upon the enemy, are little or none. For, I would ask, where is it possible to make any impression upon France? Where can you come in contact with her? By what means or in what direction can you use your armies for the purpose of making her desirous of peace? For my own part I see no possibility of making any effective attack upon the French empire, for I put entirely out of my consideration the preposterous contest of commercial privation, which the ministers have undertaken, and which it is too probable that parliament is about to sanction. What hope can there be that a great commercial nation like this should be able to carry on such a warfare with a country, which, from nature and situation, is almost, if not altogether, independent of commerce? The suspension of our commerce cannot be borne beyond a certain period: the annihilation of the commerce of France would be comparatively unimportant to her, and would leave her with her physical strength unimpaired. If then the war be purely defensive, and if the termination of it depends only upon the terms to be obtained from the enemy, it becomes us, in the first place, to consider whether opportunities of entering into negotiation for the purpose of ascertaining what terms might have been obtained, have not been lost; and I think I shall be able to shew to the house, that there have been moments in the course of the last few months, which, if wisely improved, might at least have been used for the purpose of putting the sincerity of the enemy to the test, and even if he had been found insincere, it would have been of the utmost importance in my opinion, to have placed his insincerity beyond all question or controversy.—I do not imagine that the house will suppose itself to be precluded, from the consideration of the papers now upon the table, by any part of their address to the king at the beginning of the session: because the papers were not then before us, and certainly they must have been put there with a view to their examination, and for the formation of an opinion upon them, or the placing them upon the table of this house, would be mere mockery and insult. From an examination of those papers I think I shall be able to prove, that it was owing to mismanagement, and not to the impossibility of the thing, that negociation did not commence after the peace of Tilsit; that it was owing to petulance, and if possible, still more flagrant mismanagement, that the offer made by Austria to mediate between this country and France, in the months of Nov. and Jan. last, was not turned to such an account as might have opened the door to negociation.—Sir, I beg the house to do me the justice to discriminate, and to do the petitioners also the justice to discriminate, between negociation and peace. They do not desire you, and I am not endeavouring to persuade you, to force ministers into the making of a hasty and dishonourable peace; no disaster to this country could be so great as dishonour; and we had rather perish than incur it—all I wish is to undeceive you upon the examples of failure in the late and former attempts to negociate, and by shewing you, that in no one instance has negociation with France been so conducted as to bring the matter to this decisive point, that peace cannot *now* be obtained, applying the word *now* to the period in which such negociation was going on, or might have been entered into, and thence to prove, that it would be expedient to enter into negociation, and that such negociation might be commenced with the hope of a favourable issue. Sir, soon after the battle of Friedland, and before the peace of Tilsit had been concluded, lord G. L. Gower arrived at Memel, as ambassador extraordinary from the court of London to that of St. Petersburgh, and he appears immediately to have addressed a letter to Gen. Budberg, minister for foreign affairs of the emperor Alexander, requiring some information as to the transactions then going forward; for the first letter we have is an *answer* from gen. Budberg to lord Granville Leveson, [p. 110] informing him that the report he had heard of the conclusion of the armistice was true: and that it had received its ratification. In fact the armistice was ratified on the 22d of June; the battle of Friedland having been fought upon the 14th. Here I think it necessary to express my opinion on the subject of the peace of Tilsit. Ministers have described it in their declaration, as a peace injurious to the interest of the Russian empire; as having been concluded in a moment of despondency and alarm; as disgraceful to the emperor, and as detrimental to the interests of his empire.—I am totally of a different opinion. In one word, I conceive it to have been the salvation of the emperor, and of his empire. Ministers must know that after the battle of Friedland, there was nothing like a Russian army in existence; that the corps of troops which remained were flying in every direction, without order, and without a possibility of their being rallied; and that their numbers were so reduced, that they would have been unable, if they could have been again brought together, to have afforded any resistance whatever to the enemy. The peace of Tilsit was not only justifiable, but indispensibly necessary to the emperor of Russia. I cannot help adding, that to me it appears to have been a mark of the most consummate political wisdom in the French emperor to make that peace: that he stopped, at the very moment when he ought to have stopped; and that what has been considered as a military blunder, (the not pursuing and exterminating, as he certainly could have done, upon all military calculation, the remainder of the Russian force,) was not only an act of forbearance on his part, but an act of great prudence and sagacity.—But, Sir, to return to the correspondence. On the 28th of June, lord Granville Leveson wrote another letter to gen. Budberg, in which he expresses his alarm at the silence of gen. Budberg upon the subject of negociation in concert, and declares the readiness of the court of London to enter into such negociation, ending the sentence with this expression, "since it had made war (meaning England), for the sole purpose of obtaining a secure and permanent peace." [p. 110.]—Sir, that expression from the pen of the noble lord whom I am glad to see present at our deliberations, is most remarkable; for I think that noble lord might have said, and could not but say consistently with his former declarations, which are also upon the table of this house, that England would never make peace until she had completely destroyed the power of Buonaparte. Sir, I beg to read to you an article of the treaty of confederation between England, Austria, and Russia, executed on the 11th of April 1805, the æra of the last disastrous coalition against France, which is signed by lord G. L. Gower; that article designates the object of the league, and what it is proposed to carry into effect by the concert against France, namely, "The evacuation of the country of Hanover, and of the north of Germany; The establishment of the independence of the republics of Holland and Switzerland; The re-establishment of the king of Sardinia in Piedmont, with as large an augmentation of territory as circumstances will admit; The future security of the kingdom of Naples, and the complete evacuation of Italy (the island Elba included) by the French forces; The establishment of an order of things in Europe, which may effectually guarantee the independence of the different states, and present a solid barrier against future usurpations."—The last article is a generality upon which we need not dwell, but I think no man in his senses could have had in contemplation the accomplishment of any of the former articles, which are specific, without at the same time contemplating the entire demolition of the power of the French empire. Therefore, Sir, I am much surprised to find the expression I have quoted in the letter of the noble lord; and I do not think that with truth and justice it can be said, that the sole purpose of the war made by England has been the obtaining a secure and permanent peace. If it had, the war might have been concluded long ago. Indeed it need never have been undertaken. This letter of my lord Granville Leveson is followed by a note from gen. Budberg to his excellency, dated at Tilsit on the 30th of June. [p. 111,] I beg the house to remark that this correspondence began only eight days after the battle of Friedland; and that the letter from which I am now about to quote was written by gen. Budberg, several days before the treaty of Tilsit was signed. This letter contains several reproaches against England for tardiness and want of co-operation in the war. As I have before said, I will put aside for the present, any consideration of the justice or injustice of those complaints; but one cannot help observing, that these complaints urged on the part of the emperor of Russia, in the moment of irritation and disappointment, even if ill-founded, were excusable, and on the other hand their having been made, is no proof of their being true. Sir, ministers by the manner in which they have publicly expressed themselves in their declarations, and also in this house, would have you conceive that the offer of mediation resulted from the treaty of Tilsit alone, when in point of fact the first offer of mediation was made in this note of gen. Budberg, before the treaty of Tilsit had been executed, and not only before the treaty had been executed, but so many days before that event, and so short a time after the signature of the armistice, as to make it impossible that all those plans which are attributed to Russia and France, of a concert for the purpose of annoying England, could have been entered into. When this offer was first made it was unclogged with the offensive limitation of time, upon which so much stress has been laid The offer is conceived in these remarkable words: "The Emperor my master offers his mediation to his Britannic Majesty, to make his peace with France; having a certainty that it will be accepted by the latter power." [p 113.] What could be more strikingly amicable on the part of Russia than such an offer at such a moment, and conceived in such terms? When the fate of his own empire was at stake; after so complete a defeat, after having evinced his fidelity by rejecting all counsel which had been given him by the most experienced officers of his army, previous to the battle of Friedland, to enter into negotiations with the enemy; deaf to their representations, that his army was not in a situation to fight new battles; listening only to the call of honour, and alive only to the sentiments of fidelity to his ally! When his hopes were blasted, when he was reduced to the necessity of making a peace, which nothing but necessity could have extorted from him! in the hour of his anguish he thought upon England, and his first consideration was how he should be able to serve her by negociation, having ineffectually tried his strength to the utmost in the contests of the field. His first conversation with Buonaparte appears to have been directed to the welfare of England, and in the very first moments after the arrival of the king's ambassador, he makes him an offer of mediation. Not accompanied, as has been falsely stated, with the expression of *his belief*, that France would accept that offer of mediation also; but having obtained a certain knowledge of the acquiescence of the French emperor.—What ought to have been the conduct of my Lord Granville Leveson at that moment? Do I presume to say that he ought at once the first of these two conditions I have to observe, that I think it was absolutely impossible for Russia to accede to it. The very word *secret* implies that there was something to be withheld by the two powers; the revealing of which would be a violation of the very conditions of the articles themselves. I refer you for the justice of my remark to what has recently passed between this country and Portugal. I asked in this house for a communication of the treaty which had been executed between the two powers previous to the departure of the court of Lisbon to the Brazils. The answer made to me was, "England is bound to keep that treaty secret; and it cannot be disclosed without the consent of Portugal." The answer was irresistible, and I immediately desisted from my enquiry. But does that apply to England alone? And is not the rule of honour for England the rule of honour for France, for Russia, and for all the rest of the world? How then was it possible for the king's ministers to demand a communication of the secret articles of the treaty of Tilsit? It might indeed be very proper to ask whether there existed any secret articles at all, and if the answer was that such articles did exist, it might also be proper for England to say, if you are under secret engagements to France, we cannot accept of your mediation. It appears to me that the repeated assurances of Russia respecting the innoxious nature of the secret articles in relation to England, might have been relied upon with a degree of confidence sufficient to justify the acceptance of the mediation, if otherwise desirable; because in the course of the negociation, England might have proposed and insisted upon any provisions to secure those interests which she suspected to be in danger from the operation of the secret articles. But to ask for a communication of such articles was insulting to Russia, and it was manifestly impossible for Russia to make it. As to the general views of the court of St. Petersburgh they were sufficiently disclosed by the offer of mediation itself. The decided opinion of the court of St. Petersburgh was, that a general peace was necessary for the interests of mankind; after having made the experiment of war as far as that experiment could possibly be carried. There was no occasion, therefore, to ask what the general views of the court of St. Petersburgh were: and it was an unnecessary expression of an ill-founded doubt of the sincerity of the power which offered you her mediation. The noble lord continues, that "impartiality was the first requisite in the character of a mediator;" upon which point I have already touched. He then very truly asserts, "that it is essentially necessary England should be placed with regard to the mediating power on an equal footing with France." But, Sir, this assertion is superfluous, because it could not be previously supposed to have been in the contemplation of Russia, that there should be any inequality between the two powers; and her intention of making any inequality between them, could only be shewn by her conduct in the progress of the mediation; any preliminary assurance, therefore was in the nature of the thing perfectly unnecessary.—The noble lord proceeds to state "that uneasiness had been excited in England, by the confidential intercourse which had taken place between the two emperors at Tilsit; and that he could not conceal from gen. Budberg, that the period peremptorily prescribed to his Majesty for the acceptance of the Russian mediation had created in London a very unfavourable impression against the intervention of his imperial majesty." [p. 196.] What uneasiness could have been excited by the mere circumstance of those two great potentates conferring together upon the interests of their respective empires, I am at a loss to conceive; and I am sorry that lord Granville Levison introduced any observation upon the limitation of time for the acceptance of the mediation, because I have reason to know that at the moment when he wrote this letter, he had been informed by lord Hutchinson, "that the emperor had declared to him in a communication which took place between lord Hutchinson and the emperor of Russia on the 23d of Aug. and which was communicated to lord Granville Levison, that the emperor of Russia did not intend that the limitation of time should have any effect whatever.—I am sorry, sir, that the house refused to address his majesty to lay before us the letter of lord Granville Levison to Mr. Canning, containing an account of the conversation, for it is most material that it should be before the public. But I *know*, that such a conversation did take place: and I *know* his imperial majesty stated to lord Hutchinson, "that he had offered his mediation to England; that he attached no false vanity to the acceptance or rejection of that mediation, but that it was his most sincere wish that England would make peace; as he was sure that it was his interest and also that of Europe, and our interest that we should restore tranquillity to the world." Lord Hutchinson answered to his imperial majesty, "that he had not given sufficient time for England to accept or reject his mediation, because a much longer period than a month must elapse before any answer could be received, and though the disposition of his mind inclined towards peace, neither he nor any other man would accept it but on conditions the most reasonable and honourable: and that as far as England was concerned the events of the war had been highly favourable;" to which his imperial majesty replied "that the time allowed was of no importance; because we might take three or four months if we pleased to accept or reject his mediation; but his anxious wish and desire was that we should make peace. That he had a perfect knowledge of the feelings and character of the people of England; that he had been made acquainted by Buonaparte with the conditions of peace intended to be offered; and, he had no doubt but lord Hutchinson himself would consider them highly reasonable and honourable." [p. 351.] Now, sir, with a knowledge of this conversation, held by a person of unsullied honour, and the greatest talents, a man respected by all Europe; and justly in the confidence of the emperor of Russia, both on account of his high military achievements, and his indisputed integrity; who had been deputed by the preceding administration as the accredited minister to the court of Prussia, and had attended the Russian armies in the latter part of their disastrous campaign; whose communication with the emperor, if lord Granville Levison had not expressly desired, he had unequivocally concurred in:—with a perfect knowledge, I say, of all these facts and circumstances, how came my lord Granville Leveson to dwell so much and with such serious importance upon a point which he must have known to have been entirely waved; it was throwing an ill-timed obstacle in the way of the acceptance of the mediation, it was irritating to the emperor who had expressed himself so satisfactorily upon the subject, and it was undignified as laying that stress upon a comparatively trivial circumstance which was due only to matters of real and essential moment. Further, lord Granville Levison not only states conditions without which the mediation cannot be accepted; but he desires preliminary marks of good will on the part of Russia, and particularly the renewal of the treaty of commerce; than which surely, no request could be more unreasonable. The treaty of commerce had expired, and frequent attempts had been made by the last administration to obtain the renewal of it, all of them unsuccessful, even during the time of warlike co-operations. Was it then a reasonable thing to ask such a mark of good will on the part of Russia at such a moment? and was it not rather adding to the existing difficulties, and creating disgust in the mind of Russia when it ought to have been our object to sooth, to conciliate, and to appear almost implicitly to confide? Gen. Budberg answered, "that there did exist secret articles in the treaty of Tilsit," and then comes an expression in the letter of a very equivocal nature, "there were some, he said, which in no way concerned the interests of England." [p. 196] Sir, I am bound to suppose that lord Granville Levison received an equivocal answer from gen. Budberg, because he has expressed himself in an equivocal manner. As no suspicion however of intentional duplicity seems to have arisen in the mind of lord Granville Levison to the prejudice of gen. Budberg during this conference, or at least none is expressed, I conclude that there were no secret articles in the treaty of Tilsit, which in the estimation of gen. Budberg, had any relation to England whatever. I should do so the rather after having read the following sentence, in which gen. Budberg says, "that he could assure lord Granville Levison, and as an honest man he would not say it, if it were not truth, that there existed no secret article whatever which stipulated the shutting the Russian ports against the British commerce." [p. 196] Lord Granville Levison however, having found it impossible to consider the answer given by gen. Budberg as sufficiently satisfactory to authorise him to accept the Russian mediation, gen. Budberg said he would request the permission of the emperor to communicate without reserve the secret articles of the treaty between Russia and France; and to be empowered to continue negotiations, and conclude a treaty of commerce with G. Britain. [p. 197.] So far it appears that the Russian minister conducted himself with perfect moderation; and, without doubt, if the secret articles of the treaty of Tilsit had been in his opinion prejudicial to England, gen. Budberg would not have undertaken to interest himself with the emperor, for their being revealed. Sir, I do not blame lord Granville Levison for not accepting the mediation unconditionally; but the course which he steered does not appear to me to have been the right one; it was not calculated to turn to the best advantage, either the disposition of the court of Russia, or the opportunities which might have been created if they did not present themselves, of opening a direct communication with France.—A second dispatch from lord Granville Levison, [p. 197] dated on the same day, gives an account of another conference with gen. Budberg, in which he conducted himself in a most amicable manner; and in the apology which gen. Budberg is there represented as having offered for the expressions of dissatisfaction contained in the note which he wrote from Tilsit, he accounted for them on those obvious principles which I have before detailed to the house.—A third dispatch, dated also on the same day, transmits to this court a note [p. 198] delivered to the English ambassador on the subject of the fatal preparations against Copenhagen, and destroys the momentary illusion which had been created in the mind of lord Granville Levison, on what has been termed the reviving confidence in the court of Russia.—The fourth paper of this series communicated by the king's command to the house, is a dispatch signed by Mr. Canning, and dated on the 27th Sept. 1807, [p. 200.] The next is a dispatch from the same gentleman, and addressed likewise to my lord Granville Levison, dated on the following day. The tone of these two dispatches is perfectly dissimilar. The one is written with all cordiality, and in all confidence towards Russia; the other is written, as it would appear, under feelings of the greatest irritation towards that power, and expressing not only doubts of her sincerity, but a belief in her hostility towards this country. One would imagine, upon a review and comparison of the two dispatches, that they could not have been written by the same person, with all the dispatches of lord Granville Levison, dated the 2d of Sept. before him; and yet it is manifest that they were so, not only because those dispatches were sent off on the same day, but because Mr. Canning in the outset of his first letter acknowledges that they were all received by the same hand and at the same time. Now, sir, I will take the liberty of calling the attention of the house to the contents of both these letters. To begin with the first. Mr. Canning applauds lord Granville Levison for not having accepted the mediation of the emperor of Russia, and he states succinctly and intelligibly the points upon which the question of this acceptance turns. First, the frank communication of the articles of the treaty of Tilsit, secret as well as avowed. Upon that I have already said so much that I will not trouble the house any further. Secondly, a distinct explanation of the basis upon which France proposes to treat, and which appeared to his imperial majesty at Tilsit so just and honourable. [p. 201.]—Sir, it seems to me that a basis, as preliminary to negociation, is calculated rather to throw difficulties in the way of a negociation, than to remove any embarrassment which might eventually occur in the course of it. Many treaties of peace, in the most complicated and perplexed state of Europe, have been negociated, and successfully terminated without the previous recognition of a basis; and even if a basis were necessary, preliminary to a negociation, it does not follow that a basis is necessary as a preliminary to the acceptance of a mediation. It was not for Russia to communicate the basis, but for France; and if you had frankly accepted the offer of mediation on the part of Russia, and still thought a basis necessary, as preliminary to negociation; and that, added to this necessity, it was further expedient for such basis to be laid down by the enemy, rather than by yourself; the natural course would have been to desire the mediator to ask of the contending party to furnish you with that basis. A still more simple course of proceeding would have been for you to lay down to the mediator, the basis upon which alone you would treat, for the purpose of having such communication made to the enemy; but it is inconceivable to me that the communication of a basis from the enemy should be necessary, for the purpose of enabling you to accept a mediation.—Mr. Canning proceeds to state, that without these conditions the acceptance of the mediation by his majesty, can be nothing else "than a complete surrender of his honour and his interest into the hand of the mediator if not of the enemy." [p. 201.] A more absurd assertion was surely never made. In what way when you accept the mediation of a party do you confide your interest or your honour even to him, much more to the enemy? If indeed you elect an umpire, then you do confide both your interest, and your honour to that umpire. Even in that case you do not confide them to the enemy. But when you accept a mediation, you only accept a facility of communication with the enemy; which from the hostile situation in which you have long been reciprocally placed, you are not able to find without a mediator. There are difficulties to be overcome, asperities to be smoothed, punctilios of etiquette to be removed, which prevent either the one party or the other from making the first communication: the mediator brings you together, and by communicating from each to the other, makes a channel of intercourse, and prevents that sort of communication which even if intercourse was begun between two hostile parties, might terminate ineffectually, merely on account of the temper in which each was disposed to communicate towards the other. As we proceed in this letter Mr. Canning expresses doubts as to the sincerity of general Budberg, in the assurances he had given to lord Granville Levison; assurances conveyed in terms such as could leave no doubt in the mind of any person (who did not think that general Budberg was one of the basest of mankind,) that he was speaking the truth, when he took upon him to assert that there was no stipulation in the treaty of Tilsit, for the exclusion of the commerce of Great Britain from the ports of Russia. Mr. Canning says, "it will immediately have occurred to your excellency, a distinction might probably have been taken in general Budberg's mind, between a stipulation for the immediate and eventual execution of a purpose; and the agreement to resort to it eventually under circumstances which may not yet have occurred, and that supposing the former only to be the sense of Mr. de Budberg's assurance, that assurance might be literally true, without in fact conveying any thing essentially satisfactory." [p. 201.] Such a distinction would never have occurred to my mind. If general de Budberg was a man worthy to be conversed with at all, I should have thought it unworthy in me to have harboured such suspicions with regard to him; and I think that the mind which could entertain them must be of a construction, not the most simple, or free from a disposition to give a colour to things different from that which they ought really to bear. The letter goes on to express suspicions upon other parts of the treaty of Tilsit, and to desire lord Granville Levison to call for explanations upon that public article of the treaty which recognizes the king of Naples, as king of Naples only; and to ask whether it may not be contradicted by a secret article which adds to this title, that of the two Sicilies. There is no end of creating difficulties of this nature, and there could be no end of asking and answering such questions if the mind was disposed to raise doubt upon every article of the treaty. If there did exist secret articles of this sort, for the reason before given, they could not be disclosed; and the bare recognition, without a stipulation to co-operate for the purpose of making that recognition effectual, could be of no avail. A stipulation of that nature would directly affect the interests of England; and you had already been told by general de Budberg, that there existed no such article. In the whole of this dispatch however, Mr. Secretary Canning writes as if he had been acquainted merely with the conciliatory conversation which had taken place between general Budberg and the English ambassador; and as if he had no knowledge of the angry note respecting the affair of Denmark. He proceeds to direct lord Granville Levison to abstain from all reproach, even when confessing the suspicion of engagements which the king cannot but disapprove. Then in the true principles of the new morality, in the conclusion of his letter, he hints that it would be better for the Emperor of Russia to break all the engagements which he has entered into with France, and to return to the alliance of Great Britain, and a co-operation with her in the further prosecution of the war. This is no less than calling upon Russia to violate the most sacred ties, calling upon her to do that which would render it impolitic and inexpedient to enter into any alliance with her yourself; because if she could be induced to break one treaty, there is no treaty which she could make which she might not on the same principles be called upon by other powers to break. From all obligation she must thenceforward proclaim herself to be absolved, whenever her interest should call for such absolution; and she is urged to this measure at a time when if she had been infamous enough to take the advice, from the position of the French armies, she must have been involved in total and irremediable ruin.—The dispatch, No. V. [p. 203.] is dated on the following day, the 28th of Sept. and the secretary of state informs lord Granville Levison that he incloses him a copy of the Declaration of the king on the subject of the attack upon Denmark. Having written on the preceeding day with all the documents before him, with a knowledge of which he now writes, desiring the ambassador to abstain from all reproach towards the court of Russia, he now tells him, "that the offer of mediation under all the circumstances which belong to it, was calculated to excite any other feeling rather than that of confidence in the Emperor's good will; and that every account received in England, of the temper in which that proposal was made, and of the light in which it was put by the enemy, justified the belief, that it was intended by Russia rather as preparatory to hostility, consequent on his majesty's refusal, than as likely to lead to a pacific result through his acceptance." [p. 204.] Is it possible that the same man can be so contradictory to himself? He goes on to state that he thinks there is evidence not only of the designs of Buonaparte towards Denmark, but of the "connivance, if not of the participation, of Russia in those designs:" "and that Russia formed a large part of the danger, which the measures taken against Denmark by the king of England were calculated to repel." Why, sir, if this were the feeling of the king's minister, was it not his duty to have told lord Granville Levison directly to break off all communication with the court of Petersburgh? Russia was not only partial to France, but was conniving in measures calculated for the destruction of England; or according to the emphatical words of lord Granville Levison in his note to general Budberg, dated the 2d of Sept. she formed a large part of the danger "which in the view of England, threatened not only the welfare of his people, but the existence of his crown." [p. 199.] Was it possible that he could advise his majesty to accept (with whatever conditions annexed), the mediation of a power so circumstanced? But we see that the foreign secretary does not absolutely disown the possibility of the acceptance of the Russian mediation. He still hesitates. This is extraordinary. But what must surprise us still more, is, that hesitating upon the acceptance of the mediation of Russia, as between France and England, declaring that mediation to be offered in a manner evincing an hostile, rather than an amicable mind, in the court of St. Petersburgh, and affirming that Russia is conniving at, if not instigating the hostility of France towards this country through the means of Denmark, and is a part of that danger with which G. Britain is threatened; he calls upon the emperor of Russia (under such circumstances) to mediate between Denmark and G. Britain, to mediate between G. Britain and the power in whose cause Russia, by her public declaration, delivered to lord Granville Levison, declares herself to be greatly interested, against whom Russia declares that Great Britain has acted with the grossest violence and injustice; whose cause Russia declares that she is determined to espouse; between England and that power he calls upon Russia to mediate, having before declared that impartiality was the necessary character of a mediator, having declared that in the mind of a mediator, not only there must be no hostility lurking towards either of the parties on whose behalf the mediation is proposed, but that the absence of all such hostility must be made manifest by the complete exposition and promulgation of all the acts done, all the engagements entered into both public and private between the mediating power and the other Belligerents! Sir, I defy the right hon. gent. to reconcile these inconsistencies in his own conduct; and I think such inconsistency of conduct shews that the person to whom it is justly attributable is not fitted for the high and important situation which he holds under his majesty's government.—The rest of the correspondence from lord Granville Levison, gives an account of the removal of gen. Budberg from his office of foreign minister; the appointment, ad interim, of count Soltikoff: and the further appointment of count Romanzow to the same office, I shall not dwell upon that part of the correspondence, because it relates principally to the subject of Denmark, which I now wish to leave wholly out of my view. I will only observe, that upon the appointment of each of those ministers, lord Granville Levison still requested a communication of the secret articles of Tilsit; that count Soltikoff said, that he would take the emperor's orders respecting the communication of those articles, that having taken those orders, he told lord Granville Levison that the emperor had refused them, adding these remarkable words; "that the emperor did not refuse them on account of their containing any stipulations prejudicial to England, but having once determined that they should not be made public, he saw no reason for receding from his determination." [p. 207.] The subject of the

Commercial Treaty was again touched upon, and again put aside. The same demand was renewed by lord Granville Levison to count Romanzow, and again refused. It is only necessary to observe that count Romanzow made use of terms expressive of the emperor's friendship towards his Britannic majesty; and of his anxious desire for the re-establishment of peace. The last of these communications is dated the 19th of Sept. [p. 209.] But although the mediation had not advanced during this interval, the discussion respecting it had not ended. Demands were still made with which Russia would not comply, but her non-compliance did not induce us entirely to break off upon the subject of the mediation; and it was not till the 29th of Oct. more than five weeks after the date of the letter I have just mentioned, giving an account of the conference between count Romanzow and lord Granville Levison, that his lordship delivered an official Note to the court of St. Petersburgh to bring the matter of mediation to a point. [p. 211.] It does not appear that any answer was given to that official note. On the 8th of Nov. the Declaration of the emperor of Russia on the attack of the English upon Copenhagen was made public; and a Note was delivered to lord Granville Levison which put an end to all communication between G. Britain and Russia, and placed them in a situation of hostility with regard to each other. [p. 216.]—Sir, I have thus gone through the papers which have been submitted to us upon the Russian offer of mediation, and the investigation furnishes me with this conclusion; that there were three modes in which the king's servants might have proceeded with regard to that mediation. The first was to have accepted it in the only way in which it could with propriety be accepted; with promptitude, frankness and confidence. I do not say that ministers are censurable for not having done this. The responsibility they would have taken upon themselves, was undoubtedly great: the issue might have been fortunate. No blame, however, attaches to those who declined such a decided line of conduct. The second course which might have been taken, was to have told Russia immediately, that in the circumstances of the case, England could not accept her mediation: but to have done this, accompanied with all the expressions of tenderness, conciliation, and confidence towards Russia, which could have been devised. At the same time, adding that although the mediation of Russia was declined for the reasons stated, a direct communication with France would be accepted, if offered on the part of that power; and even avowing frankly to Russia, not only that such was the disposition of the English government, but that if England felt that her overtures would be received in a manner becoming her honour and dignity, and upon the footing of equality, she would not be indisposed to make such overtures. I am of opinion, that if such overtures had been made at that moment, it was a period of the war most favourable for them, and that they might have led to peace. There was a third course; that of suspicion, petulance, and half confidence, to which the evil genius of England directed the councils of her ministers. This was a course which was sure to fail; a course which must necessarily bring discredit upon the government of the country. It has failed, it has brought discredit upon the councils of the king, and what appears to me to have been a golden opportunity for entering into a negociation, has been irretrievably lost.—I now pass on to the series of papers relative to the mediation of Austria. The first of these carries us back to the 18th of April 1807, when it appears that Austria made an offer of her mediation to all the belligerent powers. The offer of Austria and the answer of England, are both of them conceived in the most dignified and appropriate terms. I do not know that there is any reason to make further observation upon the two first papers, excepting so far as is necessary to call the attention of the house to one paragraph of the Austrian note, which is this: "in considering how very complicated and extensive the present war is become, the emperor would think that he had but very imperfectly expressed his fervent desire for peace, and a hope of its complete and speedy re-establishment, if he did not at the same time state the entire conviction he feels, that it is only by the united endeavours of the powers principally concerned in the war, and by a negociation in common, which should embrace the whole of their reciprocal interests, that permanent tranquillity, and a secure and solid peace, can be attained, a peace which should secure the future political relations of Europe." And to the concluding sentence of the paragraph immediately succeeding that which I have quoted, in which it is said that the essential relations of all the parties interested should as far as is practicable be combined." [p. 102.] An official answer is returned by Mr. Secretary Canning in a Note dated the 25th of April, and I have no fault to find with that official document. [p. 102.] It is only to be remarked that England acknowledges the intention of Austria that her mediation should be applied to all the powers concerned in the war on both sides. And the mediation is accepted upon that condition. This offer of mediation was issued on the same day to the courts of France, Petersburgh and London, but before all the answers could be received at Vienna, the events of war had reduced Russia and Prussia to the terms of the conqueror. I did expect that there would have been some supplementary documents between the note dated the 25th of April, and the next note which we find from the Prince de Stahremberg, dated on the 20th of November, but I have been informed that none such exist. On the 20th of Nov. the prince de Stahremberg addressed a note to Mr. Secretary Canning, by the positive order of his court, making the most urgent representations upon the importance of obtaining a pacification between England and France; acknowledging the constant desire expressed by the court of St. James's for the re-establishment of peace, and requesting to know what were the sincere intentions of his Britannic majesty at this time upon the same subject. [p. 104.] I beg the house to attend to the date of this communication. The last note on the subject of the Russian mediation was delivered at St. Petersburgh on the 29th of Oct.; the renewal of the offer of Austrian mediation was made at London on the 20th of Nov. Now supposing for a moment that the emperor of the French was desirous of obtaining peace, through any channel by which he could effect his object; finding that he had failed at St. Petersburgh, by the date it will appear that he renewed his offer through the means of the court of Vienna, at the very first moment at which by possibility it could be renewed. There is just time for the news of the total failure of the Russian mediation to have arrived at Paris, and for a communication to have been made by the count de Metternich (the Austrian ambassador at the court of the Thuilleries,) to the prince de Stahremberg in London, between the 29th of Oct. and the 20th of Nov. Sir, I do not build much upon this, but at the same time there is a coincidence of dates, which at least will justify some observation upon the fact. To this note of the 20th of Nov. a cold and distant Answer [p. 104,] is returned by the English secretary of state: but such a one as did not prevent further intercourse. For on the 1st of Jan. 1808, another very short Note [p. 105,] is delivered by the prince de Stahremberg to Mr. Canning, to which I beg to call the serious attention of the house, and even to the particular construction of the phrases of it. First, Sir, I deem the communication of the 20th of Nov. to have been a renewal of the offer made on the 18th of April, and not to be an absolutely new offer in itself; and therefore that the court of Vienna meant England to understand, that in this renewed proposition, she included the whole of her original offer of mediation; and that all the conditions said by her to be necessary for bringing the negociation to a happy issue, (and particularly that of including all the powers engaged in the war on both sides,) was referred to, and remained in full force. If I am right in this assumption, there could be no ground for doubt as to the true interpretation of any equivocal phrase that might be used by the prince de Stahremberg: but even without such assumption, I think I am warranted in saying that the very terms of the prince de Stahremberg's letter conveyed the same offer. Sir, the prince de Stahremberg says, that he has the orders of his own court, and conforms to the desire of the court of the Thuilleries in giving the information with which he is then charged, and that he is ordered to propose in consequence of the pacific dispositions evinced by his Britannic majesty, in his note of the 23d of November, that plenipotentiaries shall be immediately sent to Paris, to treat for the re-establishment of peace. Now, sir, I beg to quote the French expression, "entre toutes les puissances actuellement en guerre avec l'Angleterre." [p. 105.] The translation given to this phrase is, "for the establishment of peace between all the powers at present at war with England." This upon the face of it is wrong; it cannot be meant the establishment of peace between all the powers at war with England to the exclusion of England, which is the strict grammatical import of these words. But having thus made a false translation, Mr. Canning in his answer to the prince de Stahremberg's note, builds upon it a reasoning which leads us to suppose that he interpreted the French original as follows, "between England and all the powers in alliance against her," (to the exclusion of the powers in alliance with her). That, Sir, I say is not a fair interpretation of the phrase. I have taken some pains to inform myself on the subject, and I think I can venture to assert that the true interpretation is, "a pacification among all the powers at war, including England." The real meaning then of the prince de Stahremberg was the furtherance of the original offer made by Austria, namely to mediate for a pacification among all the powers at war, both *with* England and *against* her.—I have dwelt with some particularity upon the construction of this phrase, and I must further observe, that the word *avec* in French, and *with* in English as applied to war in the respective languages to which they belong, admit of equivocal interpretations; (in common parlance) when you say, that one power is at war with another, you mean that one power is at war against another: but it is not uncommon to say, and it is sufficiently correct to say, for instance, that Russia is at war *with* Prussia *against* France, it would indeed be more correct at all times to say, England is at war against France, than to say England is at war with France. But if there could exist any doubt upon the interpretation of this phrase, why, before the right hon. secretary dwelt upon it in the manner which he so injudiciously adopted in his answer to this note, did he not ask the prince de Stahremberg in a private communication, what the real meaning and intention of Austria was? Instead of that, giving his own interpretation (and that as I contend a wrong one) to the phrase in question, he builds upon it the most offensive paragraph of his offensive answer. But in my view of the matter, it is most material as to the future, that it should be impressed upon the mind of the house, and upon the public, that such was the offer of Austria, and such the intention of France, because it will strengthen the main argument, that it is possible still to negociate with France upon the footing of equality, and that the French government hitherto has not manifested any design, that England in any negociation that may be entered into with her, should be placed on a footing of inequality with respect to France.—Sir, I pass on to the Answer signed by Mr. Canning, upon which I must dwell in detail. It is conceived in any thing rather than the spirit of conciliation and wisdom. It is rude, petulant, full of point and cavil, laying down no principle upon which great statesment ought to act: dwelling upon those particularities, and insisting upon those conditions, which England ought to have put entirely out of the question, and going out of the way for the purpose of behaving in a manner offensive and uncivil towards the prince de Stahremberg himself. In the second paragraph, (the first being merely a paragraph of formality), Mr. Canning says, (p. 106,) "that the prince de Stahremberg has omitted to explain, from whom he has received his commission to propose sending plenipotentiaries to Paris, whether from the Austrian minister, or from the government of France;" such explanation was wholly unnecessary, he certainly had produced no powers from France, but he professed not to be the accredited agent of France, nor indeed to be the agent of France in any way; he told you that he acted under the orders of his government; and, in so acting "conformed to the desire of the court of the Thuilleries." He had his credentials from Austria, they were in your hands, he was therefore the minister of Austria only; from Austria alone he had received his powers; you could not doubt whether he was the Austrian or the French minister, and pretending to have such a doubt, was in itself most offensive to the person whom you addressed. The alternative is then put, that the prince de Stahremberg acts under the authority of the court of Vienna: and recognizing the ambassador in his proper character, his majesty complains "of the little reference that is had by the court of Vienna, to the conditions which were in April stated by his majesty to be indispensible preliminaries to the opening of a negociation, for while the note of the undersigned of the 23d of November last, is cited by the prince de Stahremberg as the foundation of the present proposal, his majesty observes with surprise, that this proposal nevertheless extends only to the powers combined with France in the war against G. Britain, and not to the allies of G. Britain in the war with France." Sir, in dwelling upon the expression contained in the note of the prince de Stahremberg, I have said all I have to say, upon this part of Mr. Canning's answer. I contend that the expression, in the prince de Stahremberg's letter, is, to say the least of it, equivocal; that if it be equivocal, it was the duty of Mr. Canning to have obtained from the prince de Stahremberg, a distinct interpretation of it; and if he did not think that necessary, he ought to have given an interpretation the most favourable to the court of Vienna; which would have been, that she adhered to her original proposition of the 18th of April; but that it is most unjustifiable to put an arbitrary construction upon an equivocal sentence, and then argue as if that construction were it's real, true, undisputed construction. In this case, undoubtedly, the grammatical construction of the sentence in question was of great importance: and I am persuaded, that neither Austria offered, nor did France intend that the mediation of that court should be offered to the exclusion of the allies of G. Britain. The other alternative is then taken, that the prince Stahremberg speaks in the name of the court of the Thuilleries. It is on this hypothesis said, that in professing to speak in the name of another power, besides that of Austria, a statement of some precise authority on the part of that power should have been made, or some specific and authenticated document produced which alone could justify the court, to which he addressed himself, in founding a public and important measure upon such a communication;" certainly if he had professed to speak in the name of France, powers from France ought to have been produced; but the decisive, and ready answer to the whole of that paragraph is, that he did not profess to speak in the name of France.—We now come to a most extraordinary part of the Note, in which the secretary of state says, "that it was reasonably to be expected, that a pledge as solemn and authentic on the part of France, as that given by his majesty to France, should have been communicated before his majesty could be called upon to make any further advance." I should have thought that the proposal on the part of France, for England to send negociators to Paris, was a pledge of the pacific disposition of France; but to my great surprise, I find that this desire is most grossly "misconstrued into an implication of an unjustifiable doubt of the sincerity of his majesty's professions." I really am quite at a loss for any ground, upon which this can be plausibly stated. It appears to me so completely different from the notion that any person endowed with the least degree of candour would have formed, of such a request made by France, that I must pass it over without comment. Very soon after, is revived the difficulty about a basis, and a complaint is made, that no intimation is given of the basis upon which it is proposed to negociate. The answer to that, I have before given. If you think a basis indispensible, it must be presumed that you are prepared with one; if you are prepared with one, why, instead of raising a difficulty with regard to the enemy, do you not level the difficulty by making a communication of your own basis? It is then observed, that if ever it could have been matter of doubt, whether the previous settlement of a basis of negociation were necessary to the hope of its successful termination, the experience of the last negociation with France would have placed that question beyond controversy. Sir, undoubtedly I think it would, but not in the way intended by Mr. Secretary Canning. I think that the preliminary condition of a basis was the bane of that negociation. That its introduction into the discussions was fatal to them, and that owing to the insisting upon the preliminary basis, it was impossible to ascertain whether peace could or could not have been accomplished.—Then comes a paragraph which in itself is perfectly unexceptionable; and if it had been sent to Paris, accompanied only by one or two preceeding sentences of form, and one or two succeeding sentences of conciliation, a negociation might have now been on foot. The paragraph runs thus, "his majesty is willing to treat with France, but he will treat only on a footing of perfect equality; he is ready to treat with the allies of France, but the negociation must equally embrace the allies of G. Britain." Had the answer been confined to that one paragraph, and the reply on the part of France had been in the negative; no question would have remained that she was insincere, and there would have been an end of the whole matter. Had the answer been in the affirmative, no obstacle to negociation could have presented itself. Another unnecessary difficulty is raised in the course of this note, and a punctilio created between this court and the court of the Thuilleries, which, but for the ingenuity of the secretary of state, would never have existed. I am not aware of any inconvenience which has ever resulted from the negociation carried on *at* Paris. I do not recollect that lord Malmsbury stated any inconvenience arising from this source, and

I do not know of any circumstance in the mission of the earls of Lauderdale and Yarmouth, that should induce England to declare positively that she never would again send negociators to Paris. I know that my view of the negociation of 1806 is not that which is taken by the right hon. gentlemen over against me, and I perfectly well recollect, the delay in giving passports to lord Lauderdale was dwelt upon with great indignation and acrimony by those right hon. gentlemen; but I viewed that circumstance in a light very different from them; and at all events they will allow me to recall to their recollection, that admitting the demand of passports had not been attended to with the respect and promptitude which is due to all such demands made by a negociator in the country of the enemy; an apology for the delay was both demanded and made; and that lord Lauderdale did not renew his conferences, until he had obtained the satisfaction due to his court. Here, however, is an unnecessary difficulty created. You profess only to be upon a footing of equality with France, she offers you a place of negociation which you peremptorily decline, whatever place for negociation you may designate, she will have an equal right to refuse. How are these disputes to be terminated, and which power is to concede this false point of honour? Sir, I only hope that ministers may be more wise, than to think it necessary to abide by their own premature and intemperate declarations. I cannot pass over the remainder of the note without some observation. The prince de Stahremberg is a person of consequence in his own country. Throughout Europe, he is known to be attached to the interests of England, and has even suffered, on account of his avowed attachment to her welfare, some indignities on the part of the French emperor. He is a man of high honour and reputation, and a person, for whom one should imagine, as well on his own account, as on account of the court of Vienna, which has been faithful to England under all circumstances, might have met with respect from his majesty's ministers. But Mr. Canning having gone out of the way to offend him, by separating the person of the prince from the character of the Austrian ambassador, concludes his note by the most extraordinary declaration perhaps that ever was made at any time by any minister. It is this: the prince de Stahremberg (so accredited from the court of Vienna, and professing to act under the orders of that court in the communication he had made), and having in this very note received the exposition of the sentiments of the court of London, on the important subject of negociation between the belligerents, is expressly told, "that he has no authority to speak in the name of his majesty to the government of France." To what end then has the whole been written? Sir, it appears that the bitter and sarcastic language contained in this note was not intended to answer any practical purpose whatever, and that the only object of it was to offend the prince de Stahremberg, who had been guilty of the high crime of acting in obedience to the orders of his own court, and agreeably to the desire of that of France.—I have now, sir, gone through the whole of the Austrian correspondence; and can only say, that if ministers were determined that this offer of mediation should not issue in a negociation, and should not be productive of any avenue to negociation, in any way whatever, they could not have conducted themselves otherwise than they did; and that if they had conducted themselves in any conceivable manner, different from that which they have done, a negociation must infallibly have been the consequence. I have only further to observe a little, upon one of the conditions stipulated both here, and in the Russian mediation, that of a preliminary basis: and I do so with a view of calling the attention of the house, and of the right hon. gent. himself, to his own opinions upon that subject.—For myself, I must always consider the demand of a precise basis, (as preliminary to the acceptance of mediation, or even as preliminary to entering into negociation) neither wise nor expedient, and if I wanted any confirmation of my opinion upon that subject, I think I could find it in a pamphlet published under the name of Mr. Canning, purporting to be a speech delivered by him in this house, on the 5th Jan. 1807, in a debate on the conduct of the late negociation with France. In that speech, Mr. Canning is represented as making use of these remarkable expressions. I trouble the house with the passage at length, because I think his argument clear and decisive upon the point. Mr. Canning says, 'and if, as the 'noble lord (Howick) has informed us, 'Mr. Fox rejected the suggestion of taking the stipulations of the treaty of 'Amiens for the basis of negociation, be-

‘cause he thought that they were vague, and indefinite; and that more time therefore would be lost in defining and adjusting the basis, than might be sufficient (if well employed) for discussing and settling the main points of a negociation, is it possible that the noble lord should not perceive that the adoption of the uti possidetis would have been liable to similar embarrassment; that he should not be aware of the perplexed and interminable discussions which must have arisen in the attempt to define the precise degree of possession, occupation, or controul which should or should not entitle to the benefit of the uti possidetis? to determine, for instance, whether the kingdom of Holland, whether the principalities of the Rhine, whether Southern Germany, whether the fortresses of Austria herself, should at the outset of a negociation, be acknowledged by us to be the lawful and confirmed possessions of France, except so far as they might be redeemed by such equivalents as we might be able and disposed to give in exchange for them. I am confident, (and the very argument which the noble lord himself has advanced, renders me still more confident in the opinion) that such was Mr. Fox's view of the subject, that his passing by the treaty of Amiens, when it was first suggested by M. Talleyrand, and proceeding to suggest, instead of it, something which he called a basis, but which in fact amounted to nothing more than the statement of a principle, which might be taken for granted to prevail in every negociation, the honour and glory of the two countries, was dictated, by precisely the same motive which afterwards induced him in his answer to M. Talleyrand's letter of the 2nd of June, to accept so easily M. Talleyrand's proposed additional principle of continental and maritime guarantee, in preference to (and one must fairly say in exclusion of) the other offer, which is asserted to have been made at the same time through lord Yarmouth, of uti possidetis, and the motive which in each case operated with Mr. Fox, appears to have been simply the desire to avoid any technical basis, as utterly inapplicable to the existing state of the world, and as likely to require (as the noble lord Howick has himself contended would have been the case with the stipulations of the treaty of Amiens, and as I think I have shewn would equally have arisen in any attempt to apply the uti possidetis) more time in the application and adjustment of the basis than would have been sufficient to discuss and settle the terms of the most complicated negociation.*’—Sir, I am perfectly well aware that Mr. Canning is here stating what was Mr. Fox's reasoning upon the subject of a basis; and what the line of his conduct appeared to have been. I agree with him in the position he has laid down with regard to Mr. Fox, and I think that the reasoning which he has given to Mr. Fox upon the impropriety of insisting upon any technical basis whatever, is incontrovertible. I am however warranted in supposing that the right hon. gent. also himself thinks that reasoning perfectly correct; because, after having stated it so clearly and ably as he has done in that pamphlet, he gives no opinion in contradiction to it, although in the course of the speech he took every opportunity to stigmatize such errors as he supposed imputable to the conduct of the whole of the administration engaged in that negociation. And he evidently contrasts the wise policy of Mr. Fox, with that which he represents as in the highest degree blameable in those who succeeded him in the management of the negociation.—Sir, a question may be here asked of me, why, if you think the paragraph which you have quoted, and which is contained in the letter of Mr. Canning to the prince de Stahremberg, namely, "that his majesty is willing to treat with France, but he will treat only on a footing of perfect equality; he is ready to treat with the allies of France, but the negociation must equally embrace the interests of the allies of G. Britain;" why, if you think that paragraph contains all that would be necessary as an overture to France for entering into negociation, do you require any thing more at the hands of the administration? Sir, I allow that the paragraph in question contains the whole that would be necessary for my purpose: but a paragraph may be so accompanied as to make it obnoxious in the company which it keeps, when by itself it might convey an amicable meaning. Such is the present case. And moreover Mr. Canning has so contrived it, that even if there were nothing offensive in the letter, to detract from the amicable construction which might be put upon the paragraph separately considered, he has precluded the possibility of eventual advantage by telling the Austrian ambassador that he is not to communicate to France the intentions of the king's government; and therefore the paragraph is without effect, excepting so far as it may be calculated, in common with the rest of the letter, to offend the court of Austria, in the person of its ambassador. Upon the whole, I think that in all the records of diplomatic transactions, no production can be found more replete with offence, or more inconsistent with the true and genuine character of a statesman. It may be said in extenuation of Mr. Canning's conduct, that it is evident from some short notes of a posterior date, that the prince de Stahremberg could have had no authority for his conduct from the court of Vienna; because in answer to a question put to him by Mr. Canning, relative to the departure of Mr. Adair from Vienna, the prince de Stahremberg says, that he has received no dispatches from his court since the 30th of Oct. In answer to that, I have only to remark that the count de Metternich, the Austrian ambassador to the court of the Thuilleries, was at Paris: it was therefore very possible that communications should be transmitted from the count de Stadion, the minister for foreign affairs at Vienna, through count Metternich to the prince de Stahremberg, and that he might have full authority for every step that he took (as in fact there can be no question that he had), without any immediate and direct communication with Vienna.—Another observation may be made, upon the situation of the court of Vienna, as offering to mediate at this period, between G. Britain and France. It may be objected that the state of subserviency in which that court was placed towards the court of the Thuilleries, disqualified her for the office of mediation. If such indeed had been stated by the king's ministers to have been the reason of their rejection of the mediation, it would have been fair to argue, that as on the one hand, the subserviency of the court of Vienna to the French government, disqualified her for the office of mediatrix; so on the other hand, that France being in possession of the full powers given to the Austrian minister at Paris, to make such communications as France should think fit to dictate to the Austrian minister at the court of London, and knowing that England could not be approached, except in the way of mediation, France humbled herself to adopt the only path which England had left open for her advances. In that light indeed I am inclined to view it, and I cannot conceive any thing more desirable than that one of the belligerent powers should avail herself with the utmost promptitude of the influence which she possessed over another power recognized by both, as competent to exercise the high and friendly office of mediation, to communicate her intentions directly to the other belligerent. It is in vain to dwell longer upon this subject, because no such objection has been started upon the part of government.—I ought to apologize for having detained the house so long upon this part of the question; but in justice to the right hon. gent. so deeply interested in the transaction, I was bound to go into a minute detail. In justice to myself, and to the propositions which I intend to establish upon these papers, it was necessary that I should discuss them much at length, and I trust that I have in some measure succeeded in convincing the house, that another golden opportunity has been lost, not indeed of making peace, (for I beg the house again to understand, that I do, and always have carefully abstained from the assertion, that peace in any case might have been made) but of entering into negociation, for the purpose of ascertaining whether peace could or could not be effected. I have thought it my duty to expose to the severest censure of this house, the conduct of the king's government upon this occasion, and more particularly that of his majesty's secretary of state for foreign affairs; because it does appear to me necessary to state my opinion to the house and the country at large of his utter insufficiency to guide us through the dangers and difficulties which surround us in this crisis of our fate. I am sure the right hon. gent. from the freedom that he has taken with the characters of some of his colleagues in office, will excuse the freedom which I have taken with his official character; having on a former occasion declared in his place in this house, his colleague lord Hawkesbury unqualified to hold the office of foreign affairs, he cannot object to my expressing the opinion that I entertain of the comparative merits of his majesty's present secretaries of state. Upon a review then of the papers which have been laid upon the table of the house of commons signed by lord Hawkesbury, and those signed by Mr. Canning, I can have no hesitation in saying, that I had much rather the seals of the foreign office were in the hands of lord Hawkesbury, than in those of their present possessor. In lord Hawkesbury's correspondence, there appears to be a frankness, a simplicity, and a temper which are totally wanting in the correspondence of the right hon. gent. and which are very ill compensated by the smartness and satire so conspicuous in his dispatches. If therefore, the administration must needs consist of the same component parts, I could wish, for the advantage of the country, that these two persons should change situations. But, sir, however material it may be to review the conduct of ministers, and for the house to express its opinion upon that conduct, what is past is of much less importance than what is to come; and it remains to be considered what course we ought now to pursue. What is past is lamentable, but irremediable; what is to come requires the utmost efforts of human wisdom to turn to the best account. If I shall have persuaded the house, or any considerable proportion of it, that at no period the experiment of negociation has been carried to the utmost; and that in the two last instances, it was not the perverseness of France, but the folly of England, which prevented our entering into negociation, I shall have effected a great deal, because I shall have persuaded the house, or such persons in it upon whom my arguments may have made any impression, that they ought not to cast away all hope of peace, and that it is not necessary to stifle all desire of it. My opinion is now what it has been from the commencement of the first revolutionary war: peace has been all along essential to the interests, it is now more than at any preceding period necessary to the salvation of the country. I deny the insane proposition, that peace is more dangerous than war. I will not assert that, with peace we can insure safety, but I am convinced that in everlasting war we must find our ruin. A rapid review of our internal situation, and even a repetition of the name of our sister kingdom, and the catalogue of our foreign dependencies, will too clearly establish that proposition. Look at the petitions upon your table, and read what they contain. Look at Ireland, at India, and your possessions in the West Indies; and, having done so, ask yourselves whether a continuation of the war must not bring the greatest calamities upon the country, unless you can effect a firm and general conviction that it is the ambition and injustice of France alone, which prevents the accomplishment of peace. But it is necessary that a negociation very different from any of the preceding ones, should be entered into, for the purpose for ascertaining that fact.—Sir, I believe there are many who have such a horror of peace with France that they would be inclined to vote with me upon the third proposition, which I shall submit to the consideration of the house, upon the expediency of making a direct overture for negociation with France, if they could be convinced that that overture would terminate unsuccessfully, after the example of Mr. Dundas, who told the house of commons, that in the failure of the negociation at Lisle and Paris, the country had had two great escapes. Such is the hatred of some towards France, such the infatuation of others, and such the controul of interest, as I fear, over many, that for these different reasons desiring a prolongation of the war, they would wish to throw the whole blame upon France, and they would be glad to enter into a mock negociation for that purpose. Such certainly is not my view of the subject. I wish to enter into a negociation not only for the purpose of ascertaining the sincerity of France, but in the hope, nay even in the expectation of being able to procure peace, upon honourable and equitable terms. Sir, it has been said by some, that a peace of security would content them; and that for the present all idea of our honour must be out of the question. I am of a very different opinion. I certainly would not consent to any peace, in which the honour of the country was not consulted. As to security, when can it ever be obtained? The volumes of treaties, with which our libraries are loaded, show that peace has seldom been maintained between contracting parties, whenever it became the interests of either the one or the other power to break the contract. With the power of France, so enormous as it now confessedly is, when can you say that you are secure in peace? If you wait until you can have security, that the peace which you make shall be maintained during any given period, you must abandon all hopes of peace; but I should enter into negociation, expecting that it would terminate in peace; and hoping that such peace would be permanent and secure, or as much so as at any other period with any other government.—The right hon. gent. in the Declaration which I take to be his production, has described in glowing terms, the present state of the French power; he has asserted, and most truly, that 'kingdoms are prostrate at her feet, and that the population of nations is ranged under her banners.' Formidable indeed is the power so described, but what has laid kings prostrate at her feet, and what has ranged the population of nations under her banner? the infatuated policy of England, during the last fifteen years. Is there any hope then by a perseverance in the same policy, that this power can be in the smallest degree diminished? Let us not deceive ourselves, nor stand aghast as if something preternatural had been effected! there is no miracle in all this, it is simply the consequence of one man, of extraordinary talents, taking advantage of the folly and the blunders of the rest of mankind. We talk of the machinations, the artifices, and the intrigues of Buonaparte: they all resolve themselves into four great battles, Marengo, Austerlitz, Jena, and Friedland. These are the machinations by which he got the continent into his power. You made it necessary for him to fight those battles; you combined the world against him, he has conquered the world combined, and he has combined the world against you. We talk again at other times, of the fortune of Buonaparte, as if there were some good genius attendant upon him, which led him to the accomplishment of his objects, and as if an evil genius at all times attended the coalitions formed against him, and led them to defeat and to disgrace: Sir,

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* See vol. viii. p. 393.

> The lucky have their moments, those they use,
> Th' unlucky have their hours, and those they lose.

That is the solution of this great mystery as it respects Buonaparte and the powers engaged against him. What could be more absurd, not to go back to former periods, than the last coalition excited by England against France? To enter into the detail of all the Papers, which were imprudently thrown upon the table of the house of commons,* at the time lord Mulgrave held the office of foreign secretary of state, would not be possible at this time; but I would refer the house, and the public, to a review of them, for the proof of what I assert. Austria was totally unprepared. She was a power at that time as great, if not greater, than before the revolution of France. Her dominions were more concentrated, her population greater, her spirit, even under the most cruel reverses, had never been broken; and if you would not have dragged her forth at a time when she was conscious of her inability to stir, she might have recovered; and, at some future period have opposed to France a most formidable and effectual resistance. Forced by your impolicy she ran upon her ruin; and although she has been suffered to remain a great power still, much more time will be requisite before she can again make head upon the continent. Russia was an unbroken power, but it was madness to call her forth at the moment that you did; and the formation of the last coalition was one of that series of acts of impolicy, or rather the most absurd of all those impolitic acts of which England has been so long guilty. It has been of fatal consequence, not only as it has led to the defeat and disgrace of the combined armies, but as it has given to the French emperor a proof of his power, when engaged against those armies. When we talk of artifice and deceit, let us recollect that the foundation of the hope of that coalition, was the deceit practised upon the French emperor; that that deceit, up to the period at which you expected its detection, was successful. Sir, we have now drank the cup of experience to the dregs, and I think the most infatuated enthusiast in politics can no longer look to the continent for any hope of curtailing, much less of destroying, the power of France. How much more formidable have you rendered the French emperor, by bringing his armies in contact with those of every power of the continent! before you had done so, expectation might have been entertained by yourselves, or by the powers who had not tried it, either separately, or jointly, that France might have been resisted by a combination of those powers: and indeed a doubt might have been entertained in the mind of the French emperor himself, whether, with his consummate military skill, and with such an engine as the French armies, and the armies of the nations then dependent upon France, he could make head against the other powers of the continent. You have absurdly shewn him, that Austria and Russia combined, are no match for him; you have shewn him that Russia and Prussia combined are no match for him, and it is now no matter of speculation, but a thing which you have forced him to put to the proof, that he is superior to every, and to all the armies of the continent. You are now alone: and how are your individual interests to be consulted? When I say alone, I do not forget that you have an alliance with Sweden; but that alliance is a weight upon you, rather than any assistance to you.—I say then, that you are alone in the war; and how are your individual interests to be consulted, but by peace? Upon what appears to me to be the folly of commercial warfare, I have touched in the earlier part of my speech.—It has often been said, and with great truth as it applies to this country, that we ought to be extremely thankful to Providence, that we are unacquainted with the actual horrors of war: that this country has not been its theatre, at least for a long period; and that whilst desolation is spread over the plains of the continent, we are in all the enjoyment of profound peace. But although to us this is a blessing, I much question whether it is not the reverse of a blessing to all the rest of mankind; for there is a wide difference between giving large sums of money, the which in truth does not deprive the majority of those who give them, of any even of the comforts of life, much less of its necessaries, and being subject to those calamities which are inevitable where the contest is actually carried on. If the horrors of war were but once tasted amongst us, I do not think that the indisposition to peace would be so strong as it has hitherto been, and as I perhaps fear it may even now be.—If we continue the contest, it may come nearer home.—Ireland may be the theatre of war, nay it is not out of the reach of possibility, that the theatre of war may be transferred to England herself. God avert it! I am not one of those who ever gave way to the expression of sentiments which those who uttered them I am sure never seriously entertained: I never said, "a speedy meeting to Buonaparte upon our own shores!" God grant that he may never attain these shores! but if the war is to be interminable, that is one of the scenes which must eventually be acted.—Sir, I will here notice one of the grounds of alarm which I have heard expressed on the subject of peace, arising out of the extension of the French empire, which we witnessed during the short interval of the peace of Amiens. I would ask gentlemen to review the comparative progress of the power of France during war, and during peace; we shall find that war has not stopped but materially accelerated that progress; there are no means in war to prevent its further progression. The French power is more progressive during war than during peace. But during peace the power of England and her allies would be upon the recovery. But what effect may the continuance of the war produce upon our external possessions? Do not ministers know that a most formidable attack upon our Indian empire is in the contemplation of France? Do they not know that the means for that attack are in preparation? That so soon after the peace of Tilsit as the 12th of Aug. 1807, general Gardane was at Constantinople, on his way to Persia, for the purpose of preparing for the march of an army to India? that since that period, men of science and military knowledge have been from time to time passing from France into Persia, with a view to the same object? and do they not also know that the thing itself is of much more easy performance, than many of those achievements which the emperor of the French has accomplished? and can they point out any means by which, if the attack should be made, it can be repelled? Does not the continuance of the war then put to hazard the existence of our Indian empire? does it not put to hazard the existence of every English subject in India? Here then is another reason, why, while there is yet time, we should attempt to negociate for peace. What is the state of Ireland? the bare mention of Ireland brings her situation home in a most terrific manner to the bosom of every man; and does not the state of Ireland afford a reason why you should attempt, while there is yet time, to negociate for peace? What is your situation with regard to America, are you not, by mismanagement or otherwise, upon the eve of a rupture with that country? would not the addition of America to the number of our enemies be of the greatest possible consequence to us? and is not our critical situation with regard to her, another reason why you should make an attempt to open a negociation? even for the sake of your ally, Sweden, should you not attempt to negociate? for a perseverance in the contest must be to her ruin, in spite of all the assistance she may receive from England.—To all this it may perhaps be shortly answered by the king's ministers, we are desirous of opening a negociation with France, whenever a fair opportunity can be found, upon a footing of equality, and in a manner honourable to the country. Sir, the ministers are constantly talking about their disposition to peace, but let us look a little for what they are waiting: first of all, for an impartial mediator. Why, Sir, whether partial or impartial, there is no mediator now left upon the face of the earth.—Next, till France shall send a proper basis, and propose an unobjectionable spot for the purpose of treating:

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* See Appendix to vol. vi.

Rusticus expectat dum defluat amnis.

What remains to be done? nothing, but that this country should make an overture to France, as direct as the French emperor has ever made to you. Is there any humiliation in this proposition? if there be, the French emperor has twice sufficiently humbled himself before you; for twice he has made direct overtures of negociation. Can there be any expectation that he will repeat them? Recollect the abrupt and repulsive manner in which he was received in 1800, when he made his first overture to the king, on his being invested with the chief consulate of France! recollect the deceitful (I had almost said the treacherous) mode in which he was received the second time, when on assuming the imperial dignity, he again made a direct overture for peace. You told him at that time, that before you could give him any answer you must consult your allies. You did consult your allies; but not for the purpose of obtaining from them their consent to enter into negociation, but for the purpose of exciting them to a coalition, the object of which was to overwhelm and to destroy him. Is there any hope then (even if you were so to reverse the character you draw of him, as to represent him one of the most moderate and equitable of mankind), is there any hope that he will again attempt to approach this country by direct overtures? After the manner in which I have shewn that you have treated the two offers of mediation of Austria and Russia, is there any hope that he will again hazard any indirect attempt? Is it reasonable to expect it? and even if he were inclined to do it, what ministers have you at your court, or what ministers has he at his, through the means of whom he could make any such attempt? I repeat the question then, what is there left but a direct offer of negociation on the part of England?—Sir, I have the authority of the present secretary of state, that in a direct proposition from this country, there can be nothing degrading. In the speech I have already quoted, he distinctly says, "that at any time when negociation is desirable, he cannot conceive that any delicacy, as to which party should make the proposal, ought to stand in the way." I agree with this theory, and I recommend to him the practice of it. In confirmation of its propriety, I refer him to a person in whose diplomatic shool he was bred, of whom he has always professed a great admiration, and for whom I entertain the highest respect; I mean lord Grenville. During the period in which he held the office now occupied by the right hon. gent. three propositions were made from this country to France: all of them direct, and all of that manly character which belongs to the noble lord. First, when he ordered Mr. Wickham to address Mr. Barthelemi, it was to ask directly of the French government, whether they were inclined to treat for peace? no mention of preliminary basis, no delicacy or feeling of humiliation in being the first to court that which was then deemed desirable; it was a direct, honourable, and manly proposition. It failed. On the second occasion, a question was asked through the Danish minister at Paris, who answered the noble lord, that the then French government would not allow of any indirect communication. Lord Grenville immediately wrote to the French minister of foreign affairs: a negociation was the consequence, which ended unfortunately. The third time, without any attempt at indirect means, lord Grenville wrote a letter, most judiciously expressed, to the minister of foreign affairs at Paris in the first instance. It is not necessary now to go into an investigation of the merits of those negociations: they were discussed at the time, and my opinions upon them are the same as they were then: but with regard to the conduct of lord Grenville, in the different overtures, no doubt was entertained then, nor can it now, that it was wise, politic, honourable, and consistent with his own dignity, as well as with that of the country; it was such a line of conduct as ought to be pursued at this moment.—The question then occurs, what difficulties would arise in such a negociation? the course of events has very much smoothed them. The war you say is purely defensive; the question of peace then is purely a question of terms. But would France accede to our offer of negociation? I have no doubt she would, and eagerly too. It is quite unnecessary for my present purpose, to enter into any argument upon the question of terms: that is a different consideration, and for the present is wholly out of my contemplation. All I want to ascertain is, whether peace be possible or not, by which I always understand an honourable peace; and if I can ascertain that fact even in the negative, I shall have produced great advantage to the country. A conviction of the want of moderation in the French emperor, and of the impossibility of obtaining peace, would unite all hearts, and all hands, in the defence of the country. Every privation would be submitted to: the honour of the country and its salvation would be paramount to every feeling of individual distress. I should no longer be apprehensive of the power of France. She would have created against herself an invincible barrier; and we, secure in the justice of our own cause, should be invincible against all her efforts. Is it from any enthusiastic feeling that I am making this assertion? is it the result of a sanguine mind, or introduced merely for the purpose of supporting my own argument? no, Sir, I rely upon historical example. What produced the salvation of Holland in the seventeenth century, but the injustice, the cruelty, and the inordinate ambition of Louis the XIVth? Let us look at that period of history, and we shall find that the liberties of mankind were thought, by those who then lived, to be in danger as imminent as we deem them to be in at present. At the head of a vast military force, commanded by the greatest generals, and guided by the counsels of the wisest statesmen of the age, actuated by an ambition as immoderate, and cursed with a heart as unfeeling as ever was attributed to any conqueror upon the face of the earth, Louis the XIVth, in conjunction with the prostitute administration of Charles II. attacked the liberties of Holland. There appeared to be no salvation for the country. He had but to approach, and to overrun it with his armies. Such was the state of despondency and dejection into which the inhabitants of the Low Countries were sunk; such were the distresses which the people felt, that a deputation was sent to the French king to request that he would name the terms upon which he would grant them peace; and they were ready to accept terms of greater humiliation than had ever before been imposed upon any independent power. But the arrogance of Louis the XIVth knew no bounds; he exacted from them more than human nature could endure. From that moment there was a revulsion in the mind of the Dutch nation. Having done their utmost to procure safety, by submission, and finding that it was not to be obtained, their hearts were steeled against their oppressor; they rallied under that mighty genius, the prince of Orange, our great deliverer William the IIId, who conducted them to victory and to glory. The injustice of Louis the XIVth formed the pedestal, from which arose the exalted fame of that illustrious monarch, which has spread over every region of the earth. From the moment that the deputies of Holland returned from the presence of the French monarch, his projects were all baffled, and his army was ultimately compelled to retire in disgrace. If then the French emperor should eventually conduct himself in the manner which so many persons are willing to attribute to him, but as I think falsely, I am warranted in anticipating such consequences as followed from the same conduct on the part of Lewis the XIVth.—It is evidently necessary, however, that we should conduct ourselves towards the chief of the French government with the same policy, that we would use towards any other person with whom we were about to negociate, or with whom we were negociating, either in a private or public station of life. It is not consistent with the policy or the dignity of a great nation, to approach another power, with a manifestation of feelings of disgust, of suspicion, or personal antipathy. Such, nevertheless, have been the manner and feelings with which the emperor of France has always been approached on the part of England. There has been no period in which the conduct of England towards him has been wise or conciliatory. There has been no person employed, on the part of England, who, in my opinion, has understood the character of the man. At no time has he been treated with the consideration due to the situation which he occupies, and to the achievements which he has performed. I think that lord Whitworth, in the conversations which he held with him, previous to the rupture of the peace of Amiens, grossly misunderstood his character and intentions. I think that at the period of the negociation of 1806, his character was again greatly misunderstood. Sir, I hope I shall not be misrepresented, as if I wished that the ministers of England should conduct themselves with adulation or servility towards the French emperor. I mean not, and cannot be supposed to mean, any such thing.—But in negociation with foreign powers, as well as in the conduct and business of private life, if we cannot talk with confidence, we had better not talk at all; a communication upon any business would be very injudiciously carried on by a party, who in the outset should tell the person with whom he is communicating, that he has the worst opinion of him in the world. Such, however, is really the way in which this government has always conducted itself towards the present ruler of France; and setting out with a determination not to believe any thing that is told us, we are surprised that our communications have not come to a happy issue.—Sir, I cannot help observing upon the sort of personal hatred and antipathy towards the French emperor, which appears to prevail in the minds of a large part of the community, as if each man had a personal quarrel with him. The origin of this feeling is to be traced to the various endeavours which have been made to excite the public hatred from the moment he attained the consular power. It argues a great degeneracy of national character, and it has given rise to many very disgraceful publications. A national antipathy, founded upon the crimes perpetrated by the chief of a government, whether crimes of state, or of a more private nature, can be no ground for a continuation of war between two countries. The murder of Don Carlos by Philip the second, was never urged as a cause of war against Spain. The execution of the Czarowitz Alexis by Peter the Great, was never considered as a just cause of hostility against Russia. The punishment of the crimes of princes, is in the hand of the Ruler of princes; and it is not for us, to make them the cause of punishment to their guiltless people and our own. Providence, in its inscrutable wisdom, works by means, and often deigns to produce the greatest good by the most ignoble and vicious instruments. I do not suppose that any person will question the advantage derived to this country from the introduction of the reformation. Yet by the brutal lusts of Henry the VIIIth, was that reformation introduced among us. The advantage accruing to the cause of true religion, morality, and virtue, is the same, whether he who effected it were the most virtuous or the most vicious of mankind.—Sir, it has been much the practice in this house, to substitute recrimination for defence. Could the present ruler of France obtain a verdict of acquittal from any charge preferred against him, provided he could shew that his accusers had been guilty of a parallel crime, he would have no great difficulty in standing clear with the world. If, for instance, he were charged with violent and unjust aggression by Austria, Prussia and Russia, he might answer in one word—Poland. At all times the answer he could have given to England might have been—India; and now, unhappily, he might add the decisive name of Denmark. I fear there is nothing arising out of the particular purity of this country, which can justify us in saying, that we will have nothing to do with the government of France. If France be loaded with political crime, so are the nations she has conquered, and so are we. Let us view the trespasses of France, with the same indulgence we think due to those of other countries, or to our own. Or at the least let us not set up an hypocritical reason for refusing to negociate with her. Again, if we are in the high situation, at times described in colours so glowing, by orators on the other side of the house, let us follow the example of Buonaparte, and seize the propitious moment of national elevation. In the zenith of our strength, let us make one frank and generous overture for pacification.—Sir, it will be objected that such is the inordinate ambition of Buonaparte, there can be no hope that he will be seriously inclined to peace. That his ambition is great, nobody can doubt; but it is an ambition much under the guidance of prudence: he never fails to take every precaution for his security. He never proceeds without knowing, in case of reverse, how he is to retire; and his ambition has never yet, as far as I have been able to observe, tempted him to go much beyond the true line of his interest. In talking of inordinate or insatiable ambition, we mean that passion when carried to such an extent as to predominate over prudence and discretion. Such was the ambition of Charles the XII. which was truly insatiable, and disdaining even the slightest controul, hurried him to his ruin: but the ambition of Buonaparte has always been subservient to his policy. Previous to the treaty of Campio Formio, the Austrian capital was in his power: he stopped because it was his interest to do so. After the battle of Austerlitz, when in possession of the capital of the Austrian empire, did he make a peace with Austria different from that which the coolest politician would have prescribed? Did he display the features of a savage ferocity, or did he gratify by acts of barbarity that disposition to vengeance, which is attributed to him? Did he not rather conduct himself towards the Austrian monarchy, its sovereign and his people, in a manner, which, if it had been adopted by any other than Buonaparte, might have been extolled as of exemplary moderation? the same may be remarked of his conduct subsequent to the victories of Jena and of Friedland.—If then, upon a review of the whole of his conduct, I perceive that his policy has controuled his ambition, and has allayed if not extinguished his thirst for revenge: and I at the same time perceive that it would be conducive to his interest, even now to make peace with England; my hope of accomplishing such a peace is not without foundation, and my desire that ministers would attempt to open a negociation, is not ill-timed or improper. Sir, I am no apologist of any crimes which he may have committed; but I am aware that I may be represented, by my opponents, as the apologist of the French emperor; I know that I am not so. I am endeavouring to do some degree of justice to the character of that extraordinary man, in order that ministers may do justice to the country.—Sir, I will again shortly recur to the period of Louis the XIVth. The power of France was then almost physically as great as it is now. When a prince of the blood of France, was placed upon the throne of Spain, and the Pyrenean mountains were no more, Wm. the IIId. no longer filled the throne of England: the French armies were still commanded by generals of the highest reputation. There was every prospect that the whole of Europe would be overwhelmed by France! there was no obstacle in the mind of the French monarch, arising out of humanity, good faith, the ties of honour, or the calls of justice. He had exemplified his contempt of treaties, by suffering Philip to seize the Spanish crown: by his ravage of the Palatinate, he had shewn how callous he was to the miseries of mankind. There remained nothing but strength to oppose to strength; and there did providentially arise at that period that greatest and noblest bulwark of nations, men of transcendent talents, who eventually reversed the fortune of war. The potentates confederated against France, under the auspices of the duke of Marlborough and prince Eugene, reduced the power of her arms, and brought her to the lowest state of humiliation. Let us not, however, forget that the cruel bigotry of Louis the XIVth. materially embarrassed his military exertions, and blending domestic contentions with foreign war, heightened his own distress, and powerfully contributed, among other causes, to effect the salvation of Europe.—But is it the power of France that we now contemplate? Sir, I maintain that it is not the power of France, but the power of the French emperor. The mighty mass of dominion which you in your attempts to destroy him, have placed within his grasp, he alone can wield: none but Ulysses can bend the bow of Ulysses. But as in the course of nature, his life must at length terminate, God forbid it should be cut short by any improper means! the power of France would then no longer be what it is now. Nay, even suspend for a time the operations of war, and the power of the French emperor would be no longer what it is now. By your resistance you created, and by continuing to resist, you consolidate that power. It is the contest of the wind and the sun; by urging the tempest of war against him, you bind faster all those ties, which have placed the different powers of the earth under his controul; the genial influence of peace would tend gradually to disunite and to dissolve them. Look at the map of Europe and see whether the arrangements that he has made, and those which he is about to make, are not such as must create in themselves a division of interests, amongst the persons who obtain those possessions, from whatever family sprung, or however united by blood or otherwise. In process of time new combinations must arise: and, there are upon the continent the elements of great powers, which may at a proper time be called into action. There will be the means of resisting the power of France hereafter, provided France should shew herself incapable of maintaining the relations of peace and amity. Give them but time to breathe, and they may be beneficially and effectually used. The existence of one great man, at any period of the world, changes the whole face of human affairs. Great men have indeed existed in our day, but their warnings have been disregarded. If the advice of the gallant and patriotic Archduke Charles had been taken, the last coalition would never have been formed, and Austria would have remained that great power, which she was subsequent to the peace of Luneville. If the admonitions of Mr. Fox had been attended to, the bloody tragedy of the French revolution would never have been acted; Buonaparte would never have been emperor of the French, "he would not have had kingdoms prostrate at his feet, and the population of nations under his banners." Having mentioned the name of Mr. Fox, I willingly acknowledge myself his true and genuine disciple. I am only feebly urging the sentiments which he would have forcibly uttered, had he not been unhappily taken from us. I trust that I am treading in his footsteps; would to God that his countenance were now upon me! would to God, this humble effort over, I could feel myself as I have often done, secure under the impenetrable egis of his eloquence! How bitter is the reflection! Had this country but hearkened to his prophetic voice, all the horrors which have passed during the last fifteen years, would have been averted; prophetic I may truly call it, for there is not one of his predictions which has not been exactly verified. The period of delusion is now at an end. We can no longer entertain any expectation of intestine convulsion in France; we can no longer flatter ourselves with the hope, that the moment Buonaparte quits Paris, some terrible commotion will take place. We have seen the capital, nay all France emptied of soldiers, and the whole country tranquil. We can no longer hope for a general revolt produced by the supposed misery of the people, groaning under the oppression of his tyranny. Sir, I believe that an impartial observer, in travelling through France, (at least from all the information I have received, it is so), would find that the situation of the inhabitants of the country, is improved rather than deteriorated, since it fell under his dominion. We can no longer hope, that the soldiery, discontented with the distant expeditions to which he has led them, will be excited to a spirit of mutiny against him. We can no longer hope that the countries which he has conquered will rise in one general mass, and vindicate their own cause by the massacre of his troops. The experiment in all these cases, has been made, and the predictions of those absurd and foolish prophets who foretold these and similar events have been, completely falsified. The union of the great powers of the continent to defeat him is no longer practicable. I repeat that I am not the apologist of France, I am the advocate of England. I want to shew to England, that it is expedient on every account to make peace, and possible to maintain it; and, that those who would still induce them to believe, that there is any prospect of obtaining better terms than we can now have, at any future period, grounded upon any of the common-place topics, which have been dwelt upon during so many years, have no foundation for their assertions.—We are told that if peace were made with France, she would immediately turn the whole or chief of her attention to the restoration of her navy. Undoubtedly she would do so, and France has always done so, during any peace that has taken place between the two nations: and she has always so far succeeded, as very much to improve the number and condition of her ships. The consequence has only been upon the renewal of war, to give fresh triumphs to G. Britain, and such I am confident would again be the case. But there is this difference: the French emperor is at this moment, and has been for a considerable time, as fully employed in the construction of ships, as he could be in time of the profoundest peace; but what he wants, and what France will always want, is sailors. From the relative situation of the two countries, it is utterly impossible that as long as the commercial greatness of this country exists, the French navy can ever become, by many degrees of comparison, equal to that of G. Britain. By the continuation of the war, you risque the eventual loss, or at least the serious diminution of your commerce, the foundation of your naval greatness. By peace your commerce will be restored, enlarged; and your naval greatness will be proportionably augmented. It is therefore in my opinion a most chimerical apprehension, that during any interval of peace, such a navy could be created by France, as would be at all formidable to the marine of G. Britain.—Lastly, it has been said, that the French emperor has sworn the destruction of this country, and will therefore never allow you to be at peace. I would ask when, where, and how, was this tremendous oath taken? not when he was created chief consul of France, for at the moment of his elevation he eagerly applied for peace. Not when he was created emperor, for then he repeated in earnest and dignified language, his request for peace. Not in the course of the last summer, when victorious over Russia, when he again attempted to open a negociation for peace. Not even in the beginning of the present year; when he perhaps for the last time, made advances for the same salutary purpose. The recognition of the consular power, was at the time of his first pacific overture of the utmost importance to him; the recognition of the imperial dignity, he would also I think, have purchased at a great price; but you have forced him to appear personally in every part of Europe, and that title which he vainly attempted to obtain from your friendship, or at least from your discretion, he has asserted and established at the point of his sword. Still, however, it would be highly conducive to his interest, to have that power acknowledged by this country. In point of military reputation, he has nothing to wish for, he stands pre-eminent in the history of past or present times; the primary object of his ambition must now be the firm and durable establishment of his authority over France, and the other nations which are under his dominion. That he cannot accomplish except he be at peace with England. If peace then be his interest, and it be likewise ours, why should any foolish punctilio, why should any petulance of temper, stand in the way of so desirable an object? I think I have shewn that to offer peace, would be neither humiliating nor discreditable. I have shewn it, from reasoning upon the nature of the offer itself, and from the examples which I have produced, both at home, and abroad. I have shewn by reviewing the situation of our own country, the difficulties and dangers attending a continuation of the war; and they are such as it would be the most unpardonable presumption to encounter without an adequate necessity. If I should be successful in persuading the house to adopt the three resolutions, which I shall have the honour to propose, and that an offer to negociate should be made by this country, I would then remind those who make it of the rule laid down by Mr. Fox, which I have before quoted in this house, namely, that in conducting a negociation, far from displaying an eager and inordinate ambition we should be moderate in the extreme; that we should fairly and impartially place ourselves in the situation of France, whenever engaged in any great political transaction with her: that is, that we should abide by a maxim, which as a disciple of the old morality, I am not ashamed to avow to be the corner stone of all moral, and political wisdom; that divine maxim, which however the disciples of the school of the new morality may, by their actions contradict, and by their insinuations deride it, they will not in terms venture to disown, that in all cases *nations as well as men should do unto others, as they would that others should do unto them.* Sir, I propose,—1. "That it is the opinion of this house, that the conditions stipulated by his majesty's ministers for the acceptance of the Mediation offered by the emperor of Russia, were inexpedient and impolitic.—2. That it is the opinion of this house, that the conduct of his majesty's ministers on the subject of the Mediation offered by the emperor of Austria, was unwise and impolitic, and not calculated to ascertain how far the restoration of the blessings of peace, might or might not have been attainable through the means of such Mediation.—3. That there is nothing in the present state of the war, which ought to preclude his majesty from embracing any fair opportunity of acceding to, or commencing a negociation with the enemy on a footing of equality for the termination of hostilities on terms of equity and honour."

Mr. *Herbert* rose and seconded the first Resolution.

Mr. *Ponsonby*, expressed his sense of the disadvantage under which he rose, after the admirable speech of his hon. friend. As to the two first Resolutions, he perfectly concurred with him; and in the third likewise he agreed as to the letter, but differed as to the spirit and effect, and as to the propriety of passing such a resolution at the present moment. With regard to the two first, no man who considered the conduct that had been displayed by ministers, as to the Russian and Austrian mediation, could doubt that they manifested a tone, a temper, and a language which were wholly adverse to peace. The right hon. secretary had demanded an impartiality from Russia, which it was impossible to attain or to expect; but it was needless for him to enter upon that point, after what had been said by his hon. friend. It was the most silly and absurd idea that could possibly be entertained, that because a power whose disposition was known to be friendly had suffered a momentary depression, its mediation ought not to have been accepted. Russia was our friend; Austria was also our sincere friend. Because events had reduced them to a low condition, could we believe that they loved Buonaparte more than us, or would prefer his friendship to ours? It was amazing, with the events of the war before them, that they could have indulged in such ungenerous suspicions, and in such irritating language. Holland had been, ever since the year 1794, under the dominion of France; and yet, as the disposition of the maritime part of that country was hostile to the French, they had never been able to produce more than one effort against this country. The engagement of De Winter with lord Duncan was the only one of any consequence, and in that battle they had only seven ships. In the East Indies their fleet surrendered—In the Helder, too, their whole fleet surrendered; and the indisposition of the Dutch to fight the battles of France, rendered her powerless at sea. Why, then, should it be supposed that we had lost the affections of our allies? He did not say that we ought to have proceeded to a treaty; all that he said was, we had lost an opportunity of trying whether France was disposed for peace, and had irritated those nations who were willing to befriend us. No step had been taken by ministers to get the country out of the difficulties with which their own conduct had contributed to involve us. How did they mean to continue the war? Did they mean to allow Ireland to remain as it was, without taking a single step to secure the attachment of that country? The inhabitants of this country could not be led away by any machinations of France, and here we were secure. But though he was willing to hope the best of Ireland, yet he could not conscientiously say that we were equally secure there as here. If we conciliated the people of that country, we should be enabled to look France more boldly in the face: but, unless we did this, Ireland would be a source of weakness to us, and a source of confidence to our enemy. Could we make any impression on France, under the commercial regulations of ministers, by which they had effected the object which France had in view? If this was the way to contend with France, why was it not tried before? Why was it not resorted to before our allies on the continent had fallen? But they would not produce the smallest impression on the enemy. He agreed with his hon. friend that a negociation ought to be entered upon if possible: if this could not be done, the country ought to know it, and then they would bear their privations with comparative patience. The poorest man in the country ought to know its situation. He ought to understand whether peace could be attained or not. If it could not, then the same effect would be produced as had been produced in Holland in the time of king William. Entertaining these sentiments, it became him to state the reasons why he differed from his hon. friend on this occasion. The third resolution, if adopted, would bind ministers to take immediate steps towards a negociation. Now, although he agreed, that this was the true policy of the country, he was not prepared to say that it was so at the present moment. The motion must produce one of these two results:—having tried the inclination of our enemy, ministers would come back to the house, and say, 'We have tried him, and find him cold and averse to negociation, or in such a state of irritation, that it is in vain to expect him to treat on any thing like honourable terms.' This, of course they would assert, was the effect of the passing of this resolution. Or, again, if they did go into terms, and a dishonourable peace was concluded, this would be giving ministers an opportunity of saying, 'We could not get a proper peace, on account of this Resolution;' and if it should be a very bad one, which he was afraid it would be, they would say, 'The reproach does not lie on us; blame yourselves. You were too impatient. It is to you, therefore, not to us that the stigma must attach. You are the authors of the calamity.' He was averse, therefore, to any thing which could force ministers into negociation. His hon. friend, however, had said, that the petitions for peace had put an end to the American war. He did not think that case applicable to the present. Every person knew, that it was foolish to continue a contest which was no longer attainable. The object was to induce France and Spain to abandon the contest against us, conscious that America, urged on as she was by the spirit of enthusiasm, would never yield, and that no force we had to employ could compel her. We had, therefore, some advantages to expect, and little risk to run, in attempting to get out of that contest.—Another consideration weighed extremely in his mind. He confessed, he had no opinion that ministers were anxious for peace; of which his conviction they had exhibited most satisfactory symptoms in the two offers of mediation, which they had already slighted. Was the country insensible of its state? Did not the house every day receive petitions for peace, not only not encouraged by any political characters, but even thwarted and discountenanced by them. This circumstance shewed, that these petitioners had no opinion of the sincerity of ministers. If the house, therefore, were to adopt the last Resolution, would they not be giving countenance to such petitions? On this ground he felt a difficulty in agreeing to the resolution. Now, although he did not believe that ministers were desirous of peace, he was against pushing the matter at this moment. He might do them injustice in the opinion he had formed; of course, he could not say he was prepared on this night to come to the resolution now proposed. He might this day week be persuaded that the resolution was proper, but he was not in that situation at the present moment.—There was another reason which operated strongly with him. The petitioners told the house of the pressure under which they laboured from the markets on the continent being shut against them. It well became the house for the welfare of the country, to take care how they aggravated such a feeling. If we were, in consequence of agreeing to the present proposition, to send an ambassador to France, might not Buonaparte say, 'It is not six weeks since you sent away the Austrian ambassador, whose mediation you rejected. You talk, however, of a pressure on your manufactures. Is it so? Then I will persevere in following out the measures I have adopted, and, taking advantage of this pressure, will force you to accept of any sort of a peace I chuse to grant you.' Was this the language it was natural for Buonaparte to hold; or was it rather to be expected of him that he should say, 'These good people of England are anxious to be at peace with me, and they are greatly distressed. I have been fighting against them these 14 years for the purpose of destroying them, but, now I find their manufacturers are poor and hardly pressed, they are even starving, and I am now inclined to take compassion on them?' If it were once to be laid down, that on account of a pressure on any branch or one part of the community, the whole nation must give way, he could not look on England in any other light than as a conquered country. It was necessary in such circumstances to submit to deprivations, and he was convinced, there was not a man in the country who, when he knew that peace could not be procured on honourable terms, would not submit to any deprivations whatever, nay, who would not lay down his life sooner than submit to France. In saying this, he did not mean to induce ministers to persevere in the war if peace could be obtained. On the contrary, he was eager for peace. He only wished, that the question should lie over a little longer to try what might turn out. The parliament had not been met above five weeks, and it might have to sit for some months. He did not say, that he might not in the course of a month be of the opinion of his hon. friend. He agreed with him at this moment, as he must do at all times, that peace was better than war. His hon. friend was bolder than he could bring himself to feel on that subject. He was afraid, that instead of promoting peace, the resolution might have the effect of protracting the war. If his hon. friend, therefore, would not withdraw his motion, he should now move the previous question.

Mr. *Wilberforce* agreed with the last speaker, but for very different reasons. As far as he could understand the object of the third Resolution, it went merely to say of ministers, that having misconducted themselves in transactions past, they were not entitled to confidence in future. He should not endeavour to go through the numerous papers that had been the subject of comment; but he conceived that there might be very fair grounds for doubting of the propriety of accepting the proposed mediations of Russia and Austria. A right hon. gent. had asked, whether we thought that those powers had transferred their affections to France? That might not be the case; yet they might be governed by a less generous sentiment. Russia might be led to consult her own security, at the expence of our interests. Austria might be in similar circumstances. He confessed, he could wish that our last answer had been different; but, under all the circumstances of the case, the offer could not be put upon the footing of former offers, and certainly not a fair mediation between us and France. In general, it might not be necessary to lay a basis in such a case in the first instance; but when we were called upon by a third power under doubtful circumstances, a case was afforded in which, if at any time, we were justified in entrenching ourselves behind certain general principles and particular considerations. He could see no reason for supposing why his right honourable friends should not wish for peace whenever a favourable opportunity offered.—He was desirous of speaking thus early, because it gave him pain to find another topic wholly omitted. Session after session the house had been occupied with discussing the best means of calling forth the internal military defence of the country. How could we talk of making and maintaining peace with France without such measures? Were all those ideas on which these discussions proceeded gone by? He then paid some compliments to the industry and attention to business of his noble friend (lord Castlereagh). He hoped his mind was exercised on that subject, and that the house would shortly hear more from him on that important topic. The country must place its security on its means of defence, and then, after peace, repose upon its strength. He alluded to the shortness of the interval between the peace of Amiens and the renewal of hostilities, which he admitted to proceed from faults on both sides. Could we doubt that in peace France would increase greatly her marine, when there would be no interruption to her receiving naval stores? It should never be forgotten that this great country ought not to be contented with not being conquered: it must not be suffered even to be endangered. We might yet have to contend upon British ground: and there was no way of procuring a certain peace, but by maintaining a strong and secure internal defensive force. He wished to restore the blessings of peace; and he conjured the house and the country to submit to measures of a trying and difficult nature, in order to insure that blessing. It was a subject near to his heart. When he considered the turn of the debate, he might be led to suppose that the great military power of France, instead of having conquered the continent, had been itself defeated. He did not fear our safety, if we adopted efficient measures. Defensive war was comparatively easy; and a great, rich, brave, loyal, and free country, like this, never could be conquered, unless by its own neglect. Let us prepare for peace with safety. He would not hamper himself with declarations; but he was a friend to peace, and would earnestly desire it, whenever it could be obtained with safety, and maintained with security.

Lord *Milton* expressed his surprise that his hon. colleague should have resorted to so strange an argument against the proposition of the hon. mover as that he had just alluded to; as if it was the business of gentlemen on that side of the house to propose measures for the defence of the country, or to shew that it was in a proper state of defence. He completely agreed with the hon. mover in the two first resolutions, satisfied as he was that ministers deserved censure for their conduct in slighting the Russian and Austrian mediation. He could not, however, go the length of the third resolution, not being satisfied that there was yet ground to address his majesty to remove his ministers as being disinclined to peace, which he was of opinion must necessarily accompany the third resolution of his hon. friend.

The Hon. *J. W. Ward* expressed considerable regret that he should be under the necessity of differing from many of those valuable friends, with whom he was in the constant habit of acting and voting; yet, feeling so forcibly as he did, that some attempts ought to be made to obtain peace at this period, he could not do otherwise than support the whole motion of his hon. friend. The first and second resolutions he must support, because, in his opinion, ministers had shewn the most extraordinary disregard to the real welfare and interests of this country, in so rashly rejecting the two opportunities they had of entering upon negociation through the several channels of Russian and Austrian mediation; but the third resolution was what struck his mind as by far the most important, though disavowed by so many of his hon. friends, because in that the feelings and fortunes of almost every one in the kingdom, who possessed either, were most intimately and deeply concerned. He believed there were many persons in this country who had, from the arguments that were daily and hourly advanced respecting the ruler of France and his views, imbibed the false and ridiculous idea that they would be safer in war than they could be in peace; but nothing could be more mistaken than that notion. These people seemed to form their opinions, that our safety was peculiarly owing to the number of our ships; but this was not the case. France, Spain, and Holland combined, might be able to build more ships than we could; but what gave us the proud superiority we had so long been able to boast, was the invincible spirit, the native hardiness, and the excellent training of our men to the science of navigation and the practice of gunnery, which, aided by their native courage and bravery, rendered them an overmatch on the ocean for any seamen in the world. The French revolution had shewn that an army might be raised and brought to a state of discipline in one campaign; but a navy required great time and practice to bring it to perfection; and for that reason he should never fear the number of ships that any enemy could bring against us. What particularly struck his mind with considerable weight on the present motion, so far as it regarded peace, was the immense change that had taken place in the situation of France. That country had, 15 years ago, begun the war with a confederacy of all Europe against her, headed by England; and the war she was now prosecuting, was a confederacy of all Europe, joined with her, against England, who now stood alone in the contest. The cause of coalitions, which this country had made such mighty and repeated efforts to form, was now extinct; and those who had deluded themselves with dreams of victory at Austerlitz, at Jena, and at Eylau, had now no point of contact, and could no more expect to unite other powers against the French, than if they lived in another planet. When our ancestors attempted to check the power of France, they did it by the superior prowess of their men, aided by great alliances; but at this moment we could boast but of one ally in all Europe. He ridiculed the idea of our entering on a commercial opposition, in which we had every thing to lose and nothing to gain. We depended almost solely on commerce. France was a country of such extent and resources that she could much better bear the want of it. If it were merely a race of luxury against luxury, of sugar against sugar, and so forth, it might bear some degree of comparison; but France had been, during the whole time since the commencement of the revolution, obliged to submit to one privation after another, and had, on that account, a decided advantage over us in this work of what ministers called retaliation. In the midst of this unequal warfare, however, it was extraordinary and surprising to observe the conduct of his majesty's ministers. When his hon. friends on this side of the house attempted to point out the weakness of their measures, down came the chancellor of the exchequer to the house, and, with all the pride and pomp of office, boasted that he had found a certain remedy for all our misfortunes, and that he would force Buonaparte to relinquish his terrible decrees, by prohibiting the exportation of Bark—a notable expedient, truly, and such an one as must astonish all Europe! It might be the characteristic of themselves, but it certainly was not that of the country, to wish to wage war against the sick, the lame, and the blind, and, instead of boldly and manfully attacking their camps, directing our whole force and artillery against their defenceless hospitals. He was really surprised to see so much reliance placed on such trifles, and thought that they bore the strongest evidence of the necessity of endeavouring to obtain an honourable peace. What could we do to serve ourselves by carrying on the war? We had not, as he had before observed, a single point of contact. Buonaparte took every thing by land, and we took every thing by sea; and so we might go on till this country, which was wholly commercial, should be entirely ruined. There were many other topics on which he could have wished to touch, but the lateness of the hour would not permit him, and he must therefore confine himself to such as were the most important. To those who were really advocates for the continuance of the war, he thought it absolutely necessary to address one plain question. Was the country in such a state as to be able to bear it? Did not the house think that the state of Ireland was such as to merit their most serious attention? Four millions of subjects, forming a considerable majority of the people of that part of the united empire, were anxiously solicitous to be allowed a participation in the dearest and best rights and privileges of the constitution, from which prejudice had so long excluded them, and to which if they were not speedily restored, they must remain in a state of the greatest discontent. He entreated the house to consider also the danger to which India was exposed. He mentioned that particularly, because it had escaped the observation of others; but all well knew that Buonaparte had long had an eye towards India, and that he was at the present moment meditating, if not actually putting in practice, the attempt of reaching that country through the continent of Europe; an attempt which the continuance of war must facilitate, by giving France an opportunity of exasperating and stirring up against us the native princes of India. He condemned the system adopted, of the extension of our territories in India, though he meant not to attribute blame to any particular person, but could not do otherwise than consider it as highly impolitic. He was much surprised to hear it urged, that the ruler of France had vowed to wage eternal war with this country.

That very argument was in his mind a strong reason for endeavouring to negociate a peace; because, if by so doing we could establish the fact, that he had really made such a vow, or that he had determined not to make peace but such a one as would be dishonourable or disgraceful to this country, he had no doubt but the good sense and spirit of the people would exert itself, and that they would resolve to bear, if not with cheerfulness, at least with patience, all the privations they might suffer in consequence, rather than the national honour should be tarnished. The present war, he said, had been originally entered upon to prevent the fulfilling the conditions of a treaty—a matter which in itself he thought highly blameable. It had since been carried on, as had been acknowledged, from mere punctilios of honour respecting Russia; and he must say, it was astonishing to him how his hon. friends, or any of them, could differ in opinion with the hon. mover of the present question.—We had, he said, long had houses of commons who had permitted ministers to go on with the war, he hoped they would now have one that would stop them in the career they had shaped out for themselves of eternal war. He could not avoid once more adverting to the state of Ireland, of which ministers had not taken the smallest notice, in that elaborate manifesto they had given in the shape of the king's speech. He could not but reflect with the deepest concern on four millions, the proscribed majority of that country, which it appeared to be the intention of minisiers to persecute, instead of holding forth the gentle hand of conciliation. In short, he was very sorry to say, that from every appearance, and from every information he had been able to collect on the subject, that country was at present in imminent danger. It was the duty of ministers, because it was their true policy, to use every means in their power to conciliate Ireland, which could only be done effectually by peace and toleration, and by rendering Catholic emancipation less urgent. He was, however, afraid that would never be the case with the present ministry, whose avowed intentions and charter to their present offices had shewn them determined on persecution.

Mr. *Blachford*, in a maiden speech, lamented the prejudice and perversion of opinion and talent to which a spirit of party and faction seemed capable of delivering over some descriptions of men. There were those who turned with indifference or scorn from the hardships of their own countrymen, while struggling in the cause of the honour and independence of the country, and yet shewed themselves tenderly alive only to the sufferings of America and Denmark. But such men misinterpreted the opinion and the feelings of the country. The country valued wealth, and certainly much of its power and energies depended upon that wealth; but under circumstances like the present, it felt that wealth must be subservient to honour. That sentiment neither Buonaparte, nor the friends of Buonaparte, wherever they moved, nor all the violence of his sanguinary decrees, would ever be able to extinguish. It was not to be extinguished by the partial sufferings of some of our manufacturers;—no, nor could it be extinguished by the complete stagnation of our whole trade. Those who held a different language of the character of their country, could be only the indisposed few who endeavoured to blow every spark of disaffection and discontent into a flame, and to place in an odious light the conduct of the present administration, chiefly because they felt the damning contrast which it exhibited with their own. Men who, while in opposition, were clamorous; while in government impotent; whose apathy was called moderation, and whose attempts to delude the people were dignified with the name of patriotism. Give him much sooner the inflexible firmness, the persevering fortitude, of the men who now guided the destinies of the nation, than the pusillanimous precaution of those who would seek for comfort and ease at the expence of honour and security. Fresh aggressions called only for fresh resistance, and more determined resolution. Such, at least, he trusted, were the sentiments with which his majesty's ministers were nerved, and that he might venture to say of them, what the poet said of the resolute and just—

Si fractus illabatur orbis,
Impavidum ferient ruinæ.

Lord *Mahon* observed, that all the maxims which were laid down on the opposite side had a tendency to support the principle of eternal war. There was not an argument that was advanced this night in opposition to the motion which might not with equal propriety be urged in favour of any other war, at any other time, or under almost any other circumstances. Every power in Europe, that was formerly our ally was now converted into an enemy. From this consideration, together with that of the distressed state of our manufacturers, he thought it his duty to support the motion. The house ought to consider these things in fact of its own free will; but from circumstances which had lately occurred, it appeared to him that they were called on by the imperious voice of the people to the performance of this duty, in order to avert, if possible, a tremendous evil, and prevent incalculable distress from falling on the working part of the community.

Mr. *John Smith* wished to know how long ministers meant the war to continue. If it continued two years longer, was there any prospect of negociating for peace on more honourable and secure terms than at the present moment? He certainly would be sorry to present the subject of peace to that house, were there not one particular circumstance to induce it to be immediately procured, namely, Ireland.

Mr. Secretary *Canning* did not think it proper to intrude himself upon the house at an earlier period, because he conceived it to be the duty of his majesty's ministers on this subject, to leave it to other members of the house to express their sentiments before they should themselves take any part in the debate. He expressed his readiness to enter at any time into negociations for a peace, consistent with the honour and the dignity of the country; but he maintained, that until certain information was received that the French government was prepared to enter into negociations on an equitable basis, it would be imprudent to attempt any. It was obvious, that if any negociation which might be undertaken, should fail, peace would be placed at a still greater distance, and the sufferings of the people, which had been so much exaggerated, instead of being diminished, would be augmented.—He could not help making a few observations on the subject of the Austrian offer of mediation. The first offer of mediation on the part of Austria might have been worthy of attention, if the fortune of Bonaparte had not taken a different turn. Austria fell under the controul of France; and no security existed in negotiation. The last offer of mediation proved palpably fallacious, and both attempts exploded together. It was the intention of the British government to enter into negociations for peace, but in the official notes which passed through the hands of count Starhemberg, the Austrian minister, an ambiguous style was conspicuous, evidently the effect of design. After the 12th of June, 1807, Austria was no longer an independant power. She was so completely influenced by the minister of France, that her prince had no choice but to aid the views of France. The hon. member who had alluded to the subject of these offers of mediation, would find no instance where a neutral, under the influence of a superior power, had been accepted as a mediator. We were called upon to accept an unaccredited agent in the person of the Austrian minister. There was no basis established for negotiation which constituted security. In the year 1805, Austria offered her mediation to France, who said, shew me a basis. She afterwards offered to mediate for Russia, who also required a basis. If these powers considered it necessary to make such demands of Austria, this country was right in demanding strictly the basis of negociation before we accepted the offer of mediation. With respect to Austria, it was well known that this country had preferred her friendship, and offered her every indulgence, while she remained in the interest of G. Britain; but when she became under the controul of France, it was not our interest to trust her. Was it not well known, two years since, that the British flag was expelled from the ports of Austria? England had not retaliated, under a belief that Austria was under the direction of France. He stated these facts to prove, that a mistrust was properly entertained towards Austria. Ministers had determined not to enter upon negociation, unless it was upon a footing that was likely to insure a successful issue. It had been said, that the enmity of France was directed against this country, in consequence of the offers made for peace having been rejected during former administrations. He would ask, if it was fair that the present ministers should be responsible for the conduct of others with whom they had no concern? This argument applied to the conduct of the hon. gent.'s friends, who composed the late administration, and who broke off the last negociation. It was true the hon. gent. had disagreed with them also on that point, he therefore could not deny him the merit of having acted with consistency.

Mr. *Wm. Smith* thought the two first resolutions involved in so much difficulty, that he could not vote for them; but if the third was to be brought to a division, it should have his vote. He conceived that ministers, by their own shewing, gave very little hopes of peace. He thought that it would be acting more consistently with the honour, the interest, and the dignity of the country, to enter into negociation now, that at any future period.

Mr. *Sheridan* did not agree with his hon. friend who had just sat down. He would vote for all the three propositions. He contended, that ministers had shewn an aversion to peace in two instances, and that they ought not to be trusted to reject a third offer. He was sorry to hear a great deal stated respecting commercial distress, from a very respectable quarter: but he was certain that the picture which had been drawn was greatly overcharged. He knew there was no such distress in the country; and if it did exist, he never would avow it: for to hold such language was to capitulate at once. It had been said, to vote the third resolution would be to encourage petitions for peace. In his opinion it would completely put an end to them. As it did not appear that the discussion could be terminated this night, he moved that the debate be adjourned until to-morrow.

Mr. *Adam* wished that his right hon. friend would withdraw his motion for adjournment. He declared that he would vote for all the three propositions.

Mr. Sheridan withdrew the motion of adjournment.

Mr. Whitbread replied; after which the house divided on each of the three Resolutions, which were all negatived. The following are the numbers which appeared on each division: 1st division, Ayes 70; Noes 210; 2d division Ayes 67; Noes 211; 3d division Ayes 58; Noes 217.

List of the Minority on the third Resolution.

Abercromby, Hon. J.
Adam, W.
Anson, G.
Antonie, W. L.
Aubrey, Sir John
Bewicke, C.
Biddulph, R. M.
Bouverie, Hon. G.
Bradshaw, Hon. A. C.
Brand, Hon. T.
Browne, Anthony
Burdett, Sir F.
Byng, George
Calcraft, Sir G.
Cavendish, Lord G.
Cavendish, W.
Cavendish, G. H. C.
Colborne, N. W. R.
Craig, James
Combe, H. C.
Antonie, W. L.
Creevey, T.
Dundas, Hon. C. L.
Dundas, Hon. R. L.
Fergusson, R.
Greenhill, R.
Halsey, J.
Herbert, H. A.
Hibbert, G.
Horner, F.
Johnstone, G.
Jekyll, T.
Lambe, Hon. Wm.
Lambton, R. J.
Latouche, J.
Latouche, R.
Leach, J.
Lyttleton, Hon. W.
Lloyd, J. M.
Macdonald, J.
Madocks, W. A.
Martin, H.
Marle, Hon. W.
Milbanke, Sir R.
Miller, Sir T.
Mosely, Sir O.
Ord, W.
Parnell, H.
Peirse, H.
Piggott, Sir A.
Russell, Lord W.
Scudamore, R. P.
Sheridan, Rt. h. R. B.
Smith, J.
Stanley, Lord
Walpole, Hon. G.
Ward, Hon. J. W.
Wardell, G. L.
Wharton, J.
Whitbread, S.

Tellers.

Mahon, Viscount.
Smith, William

HOUSE OF LORDS.

Tuesday, March 1.

[Offices in Reversion Bill.] On the order of the day being read for the 2nd reading of this bill,

The Earl of *Lauderdale* called the attention of the house to those passages in the speeches of his majesty to parliament, on the 27th of April, and the 26th of June, expressing a desire that the inquiries, with a view to public economy, should be continued. The committee of finance which had existed in the former parliament had been re-appointed in this case; which committee had recommended this measure. His lordship adverted to the circumstance of this bill having been thrown out in the last session, when none of the ministers were present, except the noble and learned lord on the woolsack; and expressed a hope that, under all the circumstances in which this bill was again pressed on their lordships' attention, they would not now reject it.

Lord *Arden* opposed the bill, on the ground of its being a direct and unnecessary infringement on the king's prerogative. He also objected to the resolution of the house of commons subsequent to the rejection of the bill last session, which he considered rather as a species of legislation. He was aware that his opposition to the bill was liable to much misrepresentation; but that should not deter him from performing what he conceived to be an act of public duty.

Earl *Spencer* was perfectly convinced of the purity of the motives which actuated the noble lord. He did not think this bill of any essential or vital importance; but under the circumstances in which it was before the house, he thought their lordships ought to pause before they again rejected it. He thought it rather tended to support the prerogative of the crown, than to infringe upon it.

The *Lord Chancellor* objected to the bill in its present shape, as wholly unfit to pass into a law, from the vague manner in which it was drawn up, and the general enactments which it contained. He was willing, however, to vote for the 2nd reading, if there was any prospect of so modifying it in the committee as to free it from those objections to which at present he thought it liable.

Lord *Hawkesbury* wished the bill to go to a committee, on the grounds that it might be expedient to regulate the granting of offices in reversion, so as to prevent abuses; and also to give time for the maturing of any plan of economy which it might be wished to propose, and which might, therefore, render it adviseable to suspend for a certain time the granting of offices in reversion, that in the mean while it might be ascertained whether there were any offices which it would be expedient to regulate or abolish.

Earl *Grosvenor* approved of the bill in its present shape, and hoped that no compromise would take place, but that the bill would pass as it was.

The Earl of *Westmoreland* supported the 2nd reading on the same grounds as lord Hawkesbury. As to ministers not attending on the discussion of this bill last session, why did not noble lords on the other side attend that discussion; and why had not this bill, if it was so important, been sooner taken up by them?

Lord *Redesdale* objected to the bill altogether, and thought it incapable of any modification which could render it fit to be passed into a law.

Lord *Holland* deprecated that species of recriminatory observations, which could tend to no possible good. Noble lords on his side of the house had not previously taken up the bill, only because they did not wish to shew a want of candour towards ministers for the sake of catching at a little popularity. He could not help observing, that those noble lords who had opposed the bill in toto had acted with the greatest fairness. His lordship defended the vote of the house of commons, which, being merely for an humble address to his majesty to suspend the granting of offices in reversion until six weeks after the commencement of this session of parliament, he could not conceive liable to the objections of the noble and learned lord.

The Duke of *Montrose* opposed the bill in toto, thinking it incapable of any desirable modification.

The Earl of *Darnley* supported the bill.

Lord *Auckland*, from the unlimited enactments of the bill, was not prepared to assent to it.

The house then divided on the question,

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Majority - - -			—8

HOUSE OF COMMONS.

Wednesday, March 2.

[Lord Lake.]—Lord *Castlereagh*, in calling the attention of the house to the notice respecting a Monument to be erected to the memory of lord Lake, which had been suspended by a notice, having a prior claim to the attention of the house, on a former night, did not mean to recur to that notice, or again to offer to the house the motion which was the subject of it. Having communicated with many persons devoted to the memory of Lord Lake, and participating in the high veneration in which he held the services of that gallant man, he found that it was the general wish of those persons to give way to the difficulties of parliamentary form that had arisen. The family of the noble lord, deeply penetrated with a sense of gratitude for the vote passed the other night, was willing to rest its claims on the public bounty there, than press a point upon which many of those who had voted in approbation of lord Lake's general merit and services, might be found in opposition. In this feeling he thought it his duty to concede; but he could not help lamenting, that parliament appeared to have laid it down as a principle, that the glorious testimony of a public monument was to be confined to the services of those who died in battle. Lord Howe's monument was the only exception to this rule, for that of lord Cornwallis's stood on entirely distinct ground. He admitted that the limitation to those who died in battle was a good and convenient general principle. But at the same time, when Monuments were held to be the most appropriate marks of public gratitude, as being at the same time most honourable to the deceased, and best calculated to excite emulation in the minds of posterity, it seemed to be a strange exclusion that prevented a lord Lake, a lord Rodney, and a lord Duncan, from being found among the illustrious heroes thus consecrated to fame, while many persons of much inferior rank and merit were so honoured. The distinction would never be asked but for striking examples of merit and service, and the reward may safely be granted without the fear of deviating into abuse. It would certainly be no injury to those who fell in battle, to admit to a participation of this honour, those who had equally entitled themselves by victory, and who had no other bar to their claim but that of a greater interval of time between their service and their death. It was not the death but the service that was the proper object of reward.

HOUSE OF LORDS.

Thursday, March 3.

[EXPEDITION TO COPENHAGEN.]—Earl *Darnley* rose to make his promised motion on this subject. His lordship took a review of the principal circumstances connected with this expedition; and contended, that the only ground on which it could be justified was actual necessity; which was not proved to exist by any documents before the house, nor by ministers, who, on the contrary, continually shifted their ground of justification, and had made out no case which, in his opinion, was at all satisfactory. It had been said, that an option was given to the prince regent to deliver up the Danish fleet; but could it be said to be an option, when it was evident, that if he had delivered up the fleet, Holstein and Jutland would immediately have been seized by France? This expedition, it had been said, was sent to ward off danger from this country; but how had that danger been prevented? The danger was not of an invasion of this country, but of the Baltic being shut against us; and instead of precluding this danger, the expedition had accelerated it. Possession of Zealand had not been retained, and Denmark had been thrown completely into the arms of France. The national character had, in his opinion, been degraded, and the national honour stained by this expedition; and what had we gained? 16 ships of the line, which could be of little service; and as to the stores, they did not amount in value to the stores expended in the expedition; and the whole was not equal to the expence of the expedition. —The noble earl concluded with moving, "That an humble Address be presented to his majesty, submitting, That after attentively considering all the public documents before us concerning the late attack on Copenhagen, and the war which it had produced, we have found the information which they afford extremely imperfect and unsatisfactory.—That in a matter in which both the honour and the interests of our country are so deeply concerned, we had hoped for the fullest explanations. The principles of our constitution and the uniform practice of his majesty, and the sovereigns of his illustrious house, require, that parliament should be distinctly apprized of the true grounds of entering into new wars, especially in a situation of our country wholly unprecedented.—Had Denmark been a party to any hostile confederacy against the rights or interests of the British empire, our resistance would have been necessary, and our warfare legitimate. Under such circumstances, we should only have had to regret, that the ports and arsenals of that country should so lightly have been abandoned, when advantages so very inconsiderable had been derived from their temporary occupation, and when by our continuing to hold them during the war, all real danger from that quarter might have been effectually averted.—But we cannot doubt, that Denmark, instead of engaging in hostile leagues, had resolved still to maintain her neutrality.—This fact is proved even by the imperfect documents which have been laid before us, and is confirmed by the proclamation issed by his majesty's commanders immediately before the attack.—Certainly Denmark was no party, nor does it appear that she was privy to any confederacy hostile to this country. We are not even satisfied that such a league did really exist.—The conclusion of any secret articles at Tilsit affecting the rights or interests of the British empire appears to have been uniformly denied both by Russia and France.—The correspondence of his majesty's secretary of state, and the dates of the transactions themselves, prove that his majesty's ministers could not be in possession of any such articles when the attack was ordered against Copenhagen; and it has been distinctly admitted in this house, that they have not yet obtained a copy of them.—The king's ambassador at Petersburgh, in an official note, rested the defence of the measure not on any hostile purposes either of Denmark or of Russia, but solely on the designs which it was said the French government had long since been known to entertain.—His majesty's ministers not only forbore to advise such measures as would have been necessary to repel any real hostility of Russia: but they actually solicited the mediation of that power, to extinguish a war, and her guaranty to defeat projects in which it is now pretended they knew her to have been a principal and contracting party.—Allegations thus inconsistent with each other, and contrary to admitted facts, weaken, instead of supporting the cause to which they are applied.—With respect to the alledged necessity of the case, we beg leave to assure his majesty, that we cannot think so meanly of the power and resources of his empire, of the spirit of his people, or of the valour and discipline of his fleets and armies, as to admit that such an act could have been required for any purpose of self-preservation.—Any temporary advantages which the possession of such ships and stores as were taken at Copenhagen can afford, are already much more than counterbalanced by the other consequences of a measure which appears not less objectionable in policy than in principle. That measure has augmented the number of our enemies; it has countenanced the injurious representations circulated throughout Europe respecting our principles and designs; and has inflamed against us the warmest passions of neutral and of friendly nations.—But it has above all shaken our own persuasion of the justice of our cause: a sentiment which had hitherto supported us through all our difficulties, commanding the respect of other powers, and encouraging us in an humble but confident reliance on the ultimate protection and blessing of Providence. Unwilling as we are even yet to pronounce definitively on a subject the full knowledge of which has been so pertinaciously withheld from us, and reluctant as we must ever be to admit conclusions unfavourable to the justice of those councils by which his majesty's conduct has been actuated, we are yet compelled on such an occasion to speak to his majesty the language of truth. And we must therefore, with all humility, and with the most unfeigned and heartfelt sorrow, represent, that in a case which above all others required the clearest proof, every presumption is against us, and that no particle of evidence has yet been adduced by which our national character can be vindicated from the guilt of an unprovoked and premeditated violation of that good faith, justice and humanity which have hitherto been at once the glory and the safeguard of the British empire."

Lord *Eliot* rose to oppose the Address. So far from any fair ground existing in support of such an address, to him it appeared that there was abundant cause to commend, instead of censuring the conduct of ministers with respect to the Copenhagen expedition. The noble lord then took a survey of all the circumstances which had marked the transaction, and concluded with reading a Resolution of approbation, which it was his intention to move, if the Address moved by the noble earl should be negatived.

Lord *Holland* highly regretted the degree of national dishonour that had been brought upon the country by the shameful conduct of ministers, in sending a large armed force to attack the territories, and seize the shipping of a neutral power. It was unaccountably strange, that ministers should still persist in asserting the necessity of that odious measure in order to frustrate the secret articles of the treaty of Tilsit, of which ministers pretended to have known the substance. We were publicly challenged by the enemy to produce the least evidence of the assertions which ministers had put into the sacred mouth of his majesty: yet we were totally incapable of supporting them by the least shadow of evidence. The noble lord said, he detested to hear the plea of necessity and self-preservation urged in our defence. It was particularly calculated to instil into the British people passions and opinions subversive of that liberality and generosity that distinguished our ancestors. Had France even got possession of the 16 Danish ships, the acquisition could not materially injure this country, or increase our alarms of invasion, whilst we should have been secure of the friendship and attachment of the Danish people, and their indignation at the French for forcing them to abandon their esteemed neutrality, and become a party in an unnatural war. Without possessing the hearts of the Danish people, Buonaparte could do us little injury through their means; whilst under their present circumstances, they must be filled with the utmost resentment by our unparalleled outrage. His lordship then entreated the house to vindicate the tarnished honour of the country, and shew to the nation, to Europe, and to the world their abhorrence of so flagrant a breach of the laws of civilized nations.

Lord *Boringdon* defended the expedition, and contended that, after the battle of Friedland, it was evident that Denmark was unable to defend the neutrality, and must make her election between England and France; and that it was also evident from her previous conduct that her inclinations were with France.—The house divided:

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Whilst strangers were excluded there was a short conversation on the motion of lord Eliot, for an Address to his majesty, stating, "That this house, considering the Declarations laid before them by his majesty's command; the state to which the Continent was reduced, in consequence of the negociations and peace of Tilsit; the avowed declaration of the French government to exclude the British flag from every port of Europe, and to combine all the powers of the continent in a general confederacy against the maritime rights and political existence of G. Britain; most highly approve the prompt and vigorous measures which were adopted by his majesty's ministers, for the purpose of removing out of the reach of his majesty's enemies the fleet and naval resources of Denmark."—The house then divided:

Contents - - 64 Proxies - - 61—125
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[Protest against the Rejection of the Address proposed by Lord Darnley.] "Dissentient; For the reasons which are assigned in the proposed Address to his majesty; and which we are desirous of recording as a memorial of our sentiments on a measure which has, as we fear, fixed an indelible stigma on the honour of our country." (Signed by the peers whose names appear to the following protest.)

[Protest against the Resolution proposed by Lord Eliot.] "Dissentient; Because we hold it highly unbecoming for this house to pass a Vote of Approbation of ministers, without any proof of the allegations adduced by those ministers in their own cause, upon so momentous a proceeding. (Signed,) Wm. Frederick (duke of Gloucester,) Vassall Holland, Derby, Spencer, Ponsonby, Rawdon (earl Moira,) Essex, Clifton, (earl of Darnley,) Stafford, Crewe, Jersey, Bedford, Grenville, Albemarle, Carysfort, Sidmouth, Grey, Ponsonby, (Besborough,) St. John, Hutchinson, King, Breadalbane, Fitz-william, Lauderdale, Ailsa, Erskine, Suffolk and Berkshire, Auckland, Buckinghamshire."

HOUSE OF COMMONS.

Thursday, March 3.

[Motion respecting Mr. John Giffard.]—Sir *J. Newport* rose, pursuant to notice, to move, "That there be laid before this house, a Copy of the patent by which John Giffard, esq. has been recently appointed to the office of Accomptant General of the customs in Ireland, together with a statement of the manner in which the vacancy of the said office took place."

Sir *A. Wellesley* was of opinion, that the hon. baronet ought to have laid some parliamentary ground for the production of these Papers. He should have shewn, either that the person appointed to the office was an improper person to be appointed, or that he had been incapable of executing the duties of it, and therefore unfit to be appointed.

Sir *J. Newport* had abstained from entering into the discussion more at length, in order to save the time of the house, but he would undertake to shew, if the papers should be granted, both that the former dismissal of Mr. Giffard was right and proper, and that consequently, he was not a fit person to be advanced to the office he now held.

Sir *A. Wellesley* stated, that the gentleman to whom the hon. bart. alluded had been an old servant of the crown, and had never been dismissed for any reason officially stated. He undoubtedly held opinions upon the subject of the Catholics, in common with the majority of the inhabitants of the united empire, and though he might have urged these opinions indiscreetly, at a time when the subject was under the consideration of parliament, that was not a reason why he should be perpetually excluded from office. The office of which he had been deprived yielded him 700*l.* per annum, whilst that to which he had been since appointed produced only 600*l.* As no ground had been laid for the motion, he could see no use in producing the papers called for.

Mr. *Croker* thought that the dismissal of Mr. Giffard was, if not an arbitrary, at least an indiscreet act upon the part of the Irish government, and that the restoration of that gentleman to office was a mere act of justice. Mr. G. was not apprised of the disapprobation felt by government at the line of conduct he was pursuing, until after he had made his motion as a corporator of the city of Dublin. In making that motion for a petition to parliament, he was exercising a constitutional right, and certainly the gentlemen opposite, who, on every occasion, professed themselves friends to the right of petitioning, would not maintain that the exercise of that right ought to subject an individual to removal from an office purely ministerial. He was inclined to think that that great statesman, the late Mr. Fox, considered the conduct of the Irish government to Mr. G. as arbitrary.

Mr. *Ponsonby* had never had any political connection with lord Hardwicke, but had enjoyed the honour of his acquaintance, and from what he knew of his disposition, he believed him incapable of acting in an arbitrary manner. But if no parliamentary ground had been laid before, the statement of the hon. gent. was sufficient, when he asserted that the conduct of lord H. was arbitrary, and in this he seemed to have made a bull, for his argument went against his vote. The individual alluded to had uniformly taken a line of conduct, and uttered sentiments offensive and injurious to the Catholic body, and as he was an officer employed under the government, it was thought right to dismiss him, in order to guard the government from being considered as approving of such conduct. As to the question, whether the dismissal under such circumstances ought to give rise to a perpetual exclusion of the individual, the Irish and British public would decide, whether the conduct of the present government, or of lord Hardwicke, was the more meritorious. He had been frequently consulted by that great statesman, Mr. Fox, whose loss upon every account is so much to be lamented, on the subject of the Catholics. He had enjoyed a considerable portion of his confidence, but had never heard him say a word upon this subject.

Mr. Fitzgerald, Dr. Laurence, Mr. Grattan, lord H. Petty, Mr. W. Smith, and sir John Newport, in reply, argued in favour of the motion; and Dr. Duigenan and Mr. Perceval against it, when the house divided, For the motion 57; Against it 103; Majority against the motion 46.

[SIR RICHARD STRACHAN'S SQUADRON.]—Mr. *Calcraft* rose to call the attention of the house to a subject of as serious a nature as any that could be submitted to parliament: nothing connected with so leading a feature in the defence of our country as the British navy could possibly be deemed unimportant; nor could that house, or the country, exercise too strict a jealousy over that public board, to which the conduct and interests of the navy were at any time entrusted. He confessed, that not only in the instance with respect to which he was now to move for certain papers, did he think the conduct of the noble lord at the head of the admiralty not the most judicious: in the appointment of an hon. captain to so eminent a command as he lately held in the Baltic expedition, he did think that that noble lord had not exercised a sound discretion. This, however, he only touched upon, and would pass to the business immediately before the house. In the first place then, he took it upon him to assert, that sir Richard Strachan had been compelled to abandon the blockade of the Rochfort Squadron by the want of a seasonable supply of provisions; and this assertion he did not wish the house to take upon his own bare statement: so far from it, that he now moved for the documents, which, when upon the table of that house, would either confirm or falsify that statement. The circumstances, he had reason to believe, were simply these: sir Rd. Strachan had been compelled, by the want of provisions, to abandon the blockade; and so very urgent was the necessity, that he was compelled to cruize in the offing for whatever he could meet; whether the long and vainly expected victuallers, or whatever chance might throw in his way. When that gallant officer met the Superb, the supply with which he was furnished from that vessel was not sufficient to enable him to follow in pursuit of the enemy; but there could not be a stronger proof of the extreme pressure and extent of his necessity than the fact he was about to state to the house: that after the gallant admiral had come up with the Superb and Colossus, and after he had taken from them all they could possibly spare, he was obliged to apply to the Ferrol squadron, and get from them all they could give. Here it appeared to him as if the common routine had been lost sight of, which had prescribed the utmost vigilance and attention towards all blockading squadrons; not to mention what an extraordinary claim the peculiar situation of sir Rd. Strachan should have had upon their attention; and yet during the period that that squadron was suffering so much, ships were daily sailing from Portsmouth and Plymouth with fair winds. He was, therefore, at present, totally at a loss to conjecture how ministers could satisfactorily account for such unpardonable negligence; for if there was a situation more distressing in the service than another, of severer duty and more incessant fatigue, for a set of brave men to be placed in, it was that of a blockade; and accordingly, it had been hitherto the uniform practice of all former boards of admiralty to pay to all blockading squadrons the strictest and most active attention; to anticipate their wants, and not to abandon them to the chance of casual relief, while tossing in the bay of Biscay. The blockade service was a service of patient suffering to brave men, who could not have the hopes of honourable victory to animate their zeal; it was the barren discharge of a fatiguing duty; but how was that hardship aggravated by such cruel neglect as he had too much reason to fear had occurred in the present instance? Who could say of what this neglect might not have deprived the country? When the want of provisions had driven sir R. Strachan from his blockade, he was cruizing in Basque roads, at three miles distance from the enemy's squadron, and if he had not been sadly destitute of provisions he would have pursued them; and what the result would have been it needed no extraordinary spirit of prophecy to divine.—He did not think there could be a more important ground for parliamentary investigation; an officer of high professional character had been obliged to abandon a most important service; and in consequence, the very effect, which it was the sole object of that service to prevent, had occurred; the enemy had taken advantage of the opportunity afforded them, and had escaped. There was no obstruction, no difficulty in the way of provisioning the squadron appointed to watch them, and the house and the country were yet to be satisfied why the lords commissioners had not done their duty. He, for his part, was at a loss to conceive upon what ground such neglect would be attempted to be justified. For the satisfaction of the house, the fullest information was desirable. He did not rest upon mere assertion, nor did he ask that house to be guided in their decision upon the question by any other evidence than that which would appear in the documents he should now move for; and he was satisfied that, unless he had laboured under gross mistake, he should be able from those papers to make out a case sufficiently strong to justify him in the part he had felt it his duty to take. In the resolutions he should have the honour of moving, it would appear that his object was to comprehend every information that could be thought necessary to a right understanding of the present question. If he was wrong in his statement, the documents he called for would correct him; if he was right, parliament would insist upon inquiry. He could not readily anticipate a single objection to the production of these papers; they would make no improper disclosure, reveal no secret information, betray no private confidence, endanger no foreign communications; and yet, he was sorry to state, that he had learned that a part only of the papers he asked for would be granted. The list of the ships under the command of sir Rd. Strachan, ascertaining the time for which each was victualled, would be granted. There was no objection either to the weekly accounts; but the letters from sir Rd. Strachan to lord Gardner, and the admiralty, complaining of the destitute state in which he had been left upon so important and harassing a duty, as well as the accounts given in those letters of the then state of the squadron under that officer's command; these, he was sorry to say, had been refused him, and reasons for that refusal he was yet to learn. The hon. gent. then concluded with moving for the following papers. "1. A List of the ships which were under the orders of rear-admiral sir Rd. Strachan, on the 1st Dec. 1st Jan. and 1st Feb. last, stating against each ship the day when she last sailed from port, and the time for which she was then victualled. 2. Copies of all the several Accounts (commonly called Weekly accounts) which have been received at the admiralty, or by admiral lord Gardner, shewing the state and conditions of the ships under the orders of rear-admiral sir Rd. Strachan, between the 1st Nov. and 31st Jan. last. 3. Copies, or extracts, of all Letters received by the admiralty, or by admiral lord Gardner, from rear-admiral sir Rd. Strachan, dated in Nov. Dec. and Jan. last, which relate to the state of the water and provisions on board the squadron under his orders, or which may have described the actual or probable necessity of his putting the crews of the ships upon short allowance thereof, and of the replies thereto. 4. An Account shewing the time that the squadron under the orders of rear-admiral sir Rd. Strachan, or any of the ships belonging to it, was at short allowance of water and provisions, in Nov. Dec. and Jan. last; and to what proportions, and in what articles, the usual allowance to the crews had been reduced; and copies of any orders which had been given by the rear-admiral for that purpose. 5. Copies, or extracts, of all Letters received by the admiralty, or by admiral lord Gardner, from rear-admiral sir Rd. Strachan, stating any reason which made it necessary for him to quit his station before the port of Rochfort, prior to the sailing of the French squadron from that port, in Jan. last; and likewise the copies, or extracts, of all letters stating any reasons which have made it necessary for him, subsequent thereto, to take provisions and water out of the ships cruizing off Ferrol."

Mr. *Wellesley Pole* professed an inclination to grant every paper that could with propriety be given. The whole of the letters of sir R. Strachan to lord Gardner and admiral Young, could not with propriety be given, as they detailed the course which the commander of the blockading squadron thought it best, under such circumstances, to pursue. He had not seen the motions till he had entered the house. They had not been sent to the admiralty nor any where else, for the information of the persons entrusted with the particular department, to consider how far it would be proper to comply with them. By the latest accounts received from sir Richard Strachan, which were dated Jan. 18, it would be found that, on dividing the supplies, each line-of-battle ship had ten weeks bread, and 13 or 14 weeks meat, with a like quantity of every other necessary, and six weeks and five days water. The frigates were still better supplied than the ships of the line. The Mediator was not a transport, but a large man of war; the order for fitting her out was issued on Dec. 4, but it was impossible, from the tempestuous weather, to prepare her till the 21st of that month. The same cause prevented her sailing till the 8th of Jan. They joined on the 12th of that month, but it was not till the 18th that the clearing of the Mediator commenced, and it was not finished till the 19th. The Mediator, in addition to the other supplies, contained a large quantity of vegetables, and 40 bullocks. The hon. gent. was compelled to admit, that two line-of-battle ships joined sir Rd. Strachan's squadron on the 16th of January, the Colossus and the Superb, with the Lavinia frigate, one of the finest in the navy, victualled for five months. On the 23d the Cumberland joined; and there was then an average supply of ten weeks bread, 13 weeks of other articles, six weeks and five days water, 40 bullocks, and three fresh ships. On the 23d, a transport and a gun-brig joined, with every species of provisions; but the admiral sent them back to Plymouth, not being in such want as to induce him to delay his pursuit of the enemy, of whose course he had got information. It was not true that sir Richard Strachan had been obliged to get supplies from the squadron off Ferrol, or that he had gone off that port. It was on the 23d that sir Richard Strachan had intelligence of the sailing of the enemy, and it was not till the 29th that he had reason to be certain of the fact. From the 23d it blew a gale of wind, and it was impossible to clear the bay. In the attempt to clear Oleron light-house, he carried away his main-yard, which was known to be no light mischief at sea. He stopped three days to distribute the provisions equally among the ships, but not to take any other supplies; and so far was he from being unable to pursue the enemy, that he was now probably far up the Mediterranean, having received intelligence of their having taken that course. Having said thus much as to the state of the squadron under sir Rd. Strachan, he would now come to the wanton, indecent, and unfounded attack which the hon. gent. had gone out of his way to make on the noble lord at the head of the admiralty. It was certainly to be lamented if supplies could not be sent in so regular and copious a manner as not to leave a wish or a want ungratified. But let gentlemen consider all that the admiralty had to do in addition to former duties. The fleet from the Baltic arrived at Spithead on the 6th Nov. having 16 sail of the line, 10 frigates, and 15 sloops, under its convoy, with a part of the British crews. This fleet had encountered much bad weather, and some of the ships were lost coming to the Downs from Yarmouth. Some time was required to put the ships and crews to rights, so as to be efficient for service; and he should surprize the hon. gent. by telling him how soon that was done. In the course of Nov. there were 12 sail of the line at St. Helen's waiting for the Russian fleet. Sir Sidney Smith was sent with six sail to Lisbon, and five sail were sent after him; a force by means of which he was enabled to rescue the Prince Regent and royal family of Portugal, and to send them to the Brazils with a convoy of four sail, and to continue the blockade of the Tagus in the most effectual manner. Four sail of the line were besides sent with sir S. Hood to secure Madeira. With all these occasions, added to that of the blockade of Brest, other difficulties arose in sending supplies of provisions to sir Rd. Strachan's squadron, particularly from the tempestuous state of the weather. The best mode of relieving blockading squadrons was to send fresh ships; the men had thus an opportunity of being refreshed, and the wear and tear of ships was much diminished. He could not here omit paying a just tribute to the patience and zeal of the officers of the squadron under sir Rd. Strachan, who bore every hardship with cheerfulness for the good of their country. Every attention and relief was due to such men; but the admiralty could only appropriate such means of relief as they had. Was it consistent with the public service to allow sir S. Smith to rest idle from want of sufficient force? Was it desirable to keep back the expedition under sir S. Hood, and to suffer the Russian fleet, if it had come out, to proceed home unmolested? Certainly no Englishman would say so. Every relief competent with circumstances had been afforded to the blockading squadrons. The ships ordered to the relief of sir Rd. Strachan's squadron were the Bellerophon, which, when partly fitted out, was found to be so bad that it was necessary to take her into dock at Plymouth to be repaired. The Superb, Colossus, and Cumberland joined: the Spencer was prepared, but prevented from joining by an epidemic disorder breaking out among her crew. He would leave it to naval authorities whether a relief of five ships upon seven was not ample and adequate. Sir Rd. Strachan was driven from his anchorage in Basque roads by bad weather. He met the relief ships in the rendezvous appointed in his last general letter. Sir Rd. was now up the Mediterranean; Brest was blockaded; Madeira was looked to; the West Indies were safe; and we had a tolerable force to look the American gentlemen in the face if they should prove refractory. The admiralty, so long as it was directed by the noble lord now at the head of it, would not shrink from any attack that might be made by the hon. gent. opposite. Let the charges be brought forward upon the papers; but let not a premature and uncandid aspersion be cast upon a man who stood as high as any other in the country. The hon. gent. concluded with reading a resolution which was nearly the same in substance as what had been moved by Mr. Calcraft, and expressing his willingness to grant any information which could, without danger to the public interest, be given.

Earl *Temple* observed, that certainly the resolutions read by the hon. gent. could not answer the purpose of his hon. friend, as there was omitted in them the letter of sir Rd. Strachan to lord Gardner, applying for relief. He said that the weather could not have been so tempestuous at that time, as he knew that from the 6th of Nov. to the 25th of Dec. ships sailed daily westward from Portsmouth. The charge brought against the board was sufficiently plain, arising out of the fact that sir Rd. Strachan was obliged to leave his cruizing ground to meet victuallers; but by remaining at Rochfort he would be obliged to capitulate for want of provisions.

Lord *Castlereagh* stated, that the Adrian cutter had sailed with victuallers on the 14th of Nov. and had arrived on the 30th.

Mr. *W. Pole* rose to supply an omission in his statement. The Colossus joined on the 12th, and the enemy did not come out till the 18th of Jan. Our squadron and the Collossus did not communicate till the 18th, and on account of foul weather, the Mediator was not cleared till the 19th.

Mr. *Calcraft,* in reply, observed that he was not aware that any observations he had felt it his duty to make, deserved so harsh a character as the hon. gent. had been pleased to bestow upon them. In the little he had to offer at any time to the house, he was not much in the habit of indulging in charges, or making use of terms that could justly be stigmatized as indecent. He had questioned the conduct of the noble lord at the head of the admiralty upon two grounds; one was the appointment of sir Home Popham to an eminent command under circumstances that had excited a considerable irritation; an appointment which he had thought, and did still think, extremely ill judged: it was an appointment that had given rise to a very general sensation of well-grounded jealousy among the officers of the British navy. The public prints had recorded their dissatisfaction; it was a circumstance known throughout the country, nor did the country think those officers had been well treated. His other ground of objection was the reprehensible neglect of our squadron off Rochfort. The hon. gent. had ingeniously steered clear of both these topics and thought the house would suppose he was answering them when he was giving his very accurate details of what he and his colleagues had done; and with what? the British navy! There was, no doubt, great reason for boasting what a man could do with such an instrument as the British fleet. He had told them that Brest was now blockaded; but did he forget that the abandoning of that very blockade was one of the consequences of the neglect of the Rochfort squadron? that sir John Duckworth, on hearing of the escape of the enemy from Rochfort, set out in pursuit of them, and that Brest was left open for 7 or 8 days? As to what had fallen from the hon. gent. as to the propriety of sending him a previous communication of what resolutions he had to submit to the house, he reminded the hon. gent. that the moment he got a copy of the resolutions he shewed it to him; and that he had yesterday a personal communication with him on the substance of what he meant to move for; therefore the hon. gent. could not be taken by surprize. But, as to the propriety of sending a copy to the board of admiralty, or any other board whatever, he conceived himself under no such obligation. He made that motion in his place, as a member of parliament; and he would not descend from that character, or compromise its dignity, by assenting to such a position. He concluded by pledging himself to the house to make good his statements, when the papers moved for were laid upon the table. —The question was then put and carried.

[Orders in Council.] Lord *H. Petty* rose, pursuant to notice, to move for information, tending to shew what measures had been taken to insure the collateral execution of the Orders in Council by the powers in alliance with his majesty. Unless Sweden imposed similar restrictions, the restraints imposed by us were nugatory. Gottenburgh might be made a depot from which American produce and the produce of the French colonies might be sent to all the southern shores of the Baltic, and thence circulated through Germany and Russia. Sicily also might be made an entrepot for a similar transaction; so might Sardinia. In order to ascertain what ministers had done on this point, he moved, "That an humble address be presented to his majesty, praying that there be laid before the house the substance of all communications with powers in amity with his majesty, touching the Orders in Council of the 11th November."

The *Chancellor of the Exchequer* rose to give his negative to the motion of the noble lord, upon the following grounds: in the first place, the observations of the noble lord were applicable to the article of cotton only: and, in the next place, he informed the house, that there was no disinclination whatever on the part of his majesty's allies to concur in the system which government had found it expedient to adopt in the present period of the war; and that assurances had been received from Sweden, in particular, of the willingness of that government to give every facility for carrying that system into full effect. A general assurance of this nature had been received, but it could not be supposed, that any distinct and decisive expression of approbation of the whole details of the measure had been received, because those details were not yet finally arranged, and were still subject to the decision of parliament.

Sir *A. Piggott* asked if it was not proposed to levy a tax upon the exportation of sugar? he understood this to be the intention; and, if so, it might be carried direct from America to Sweden: and as Sweden had no sugar colonies except the small island of Saint Bartholomew, and consequently had no sugar monopoly to protect, he did not think it probable that the government of that country would concur in imposing a duty upon this article merely to secure the British monopoly. He wished to know, therefore, what assurances ministers had received that Gottenburgh would not be converted into a depôt for supplying the continent with colonial produce.

The *Chancellor of the Exchequer* replied, that government had received general assurances of the readiness of Sweden to concur in giving effect to the measure.

Mr. *Ponsonby* said, that if the king of Sardinia co-operated in the measure, the result of this co-operation, as to him, would be to deprive him of the only part of his dominions of which he was still in possession; and if Sweden refused to co-operate, which he thought not at all improbable, the right hon. gent. had told the house that she was to be compelled to concur in it. And this was the reward which was to be conferred upon our only remaining ally! this the encouragement which we held out to other nations, to attach themselves to our cause! this the motive which we presented to those powers by whom we had been deserted, to return to their old connection with us!

Mr. Secretary *Canning* stated, that the king of Sardinia was not an ally of this country, and that he had never been asked to concur in the measure; and that from the king of Sweden, who was our ally, the most satisfactory assurances on this head had been received.—After a short reply from lord H. Petty, a division took place: For the motion 71. Against it 130.

LIVERPOOL PETITION RESPECTING THE ORDERS IN COUNCIL BILL.] General *Gascoyne* presented a Petition from the Merchants of Liverpool against the Orders in Council bill. He said he was sensible of the readiness with which parliament and ministers attended to the petitions of the people, and the high respectability of the Liverpool merchants would, he was persuaded, obtain for them all due attention. He was aware that the forms of parliament might operate against his motion for receiving the present petition, and he was far from wishing for any departure from its rules. The petition, however, did not go to oppose the duties, but the spirit of the bill, while it expressed apprehensions that from the nature of the warfare, we might lose much, and the enemy gain. Liverpool at present possessed three-fourths of the trade with America; and the disbursements amounted to 150,000l. annually for the last three years. From bearing so great a portion, Liverpool would be most particularly affected; and he therefore hoped there would be no objection to receiving the petition against the present bill.

The *Speaker* asked if the Petition was against the bill which provided certain duties under the Orders in Council?

General *Gascoyne* answered, that it only went to oppose certain clauses, but not the bill in the general view.

The *Speaker* stated the usage of the house to be, not to receive any petition against a duty bill. If the hon. general could satisfy the house that his petition did not come under this description, it might be received; not otherwise.

Mr. *Tierney* observed, that the house was obliged to the Speaker for the distinct manner in which he had stated the usage of the house. This was a most important petition. Interests of the greatest magnitude were concerned in it; yet these petitioners were now to be told, that they could not be heard. Where then could they be heard? Was there any course for them to pursue to obtain a hearing? Or did the house stand in this unfortunate predicament, that though well disposed to listen to the petitioners, they could not, in point of form, attend to them? If so, it was the only instance that ever had occurred in the history of parliament where petitioners were rejected, without some other mode being pointed out by which they might state their complaints. He professed his respect for the usage of admitting no petitions against tax bills, because, if petitions should be received against them in the session in which they passed, every one would be so anxious to shift the burthen from himself, that the public business could not be carried on. But this petition was not against the duties, but against the regulations; and though it was contrary to the letter, it was perfectly consistent with the spirit of the usage. This tax was, besides, not within the principle of duties, for it was merely a tax on foreigners, laid with a view not to revenue, but to the carrying into effect certain commercial regulations. Against these this petition was presented, and the petitioners would have the strongest ground of complaint if they were shut out from bringing evidence to prove their allegations. The house too had much reason to complain. Hitherto the responsibility of these Orders rested with those who advised them; but when the bill passed it would rest with the house. Could the members say, that they had sufficient evidence from commercial men, that they were just and proper? Had the ministers satisfied them with their speeches? There were grounds to suppose from what had passed that some of the provisions would be changed, so little had ministers themselves matured their measure. But all that the petitioners had in the world was at stake. The ministers said, that this was a bill 'for the protection of trade;' the petitioners said, that they would shew that it was a bill not for the protection, but for the destruction of trade. Would the house take upon itself the intolerable responsibility of this measure, without listening to such a heavy complaint preferred from such a quarter? It was an intolerable hardship on the petitioners, to be sent back unheard, merely through the negligence and blunders of the ministers. They might, upon a pretence of this sort, deprive a man of his estate, without allowing him to be heard, by inserting in the bill a duty upon the stamp for the conveyance. Our ancestors had prevented such things, by confining the duties to the committee of ways and means, and originating other things in such a way as to allow petitioners to be heard. Mr. Pitt had been scrupulous in avoiding the committee of ways and means where he could; and of this the cases of the consolidation of the duties, and the two-penny post duty, were instances. Oh, that the gentlemen on the other side would imitate Mr. Pitt in what was just and proper, as well as in his mistakes! All that the petitioners desired, was to be heard some way. He had given the right hon. gent. some credit for his mistake in this business; but he could not even give him that now, since he found that he persevered in his plan, and so shut out petitioners. Was this to be endured, especially with such petitions on the table, where it was stated, that thirty or forty thousand people were deprived of bread? The present petition was not a party one, nor could such a thing be even alleged, for it was known, that many who signed it were friendly to administration. Would ministers thus aggravate the distress of the people? He had given them credit for pitying them; but if they rejected this petition, he would give them no such credit. Here we were told, not of forty thousand people, as in the other petitions, but of four hundred thousand, who would be deprived of bread by the destruction of the Liverpool trade; a circumstance that would spread devastation over all the surrounding country. Usage in such a case as this ought to stand by, as the petitioners had been shut out by the neglect of the house. He said, that the same course ought to have been taken here as in the case of the convoy tax, where a committee of trade and navigation had been appointed. He had thought this from the beginning a most important point, and now the difficulty began to be felt. The forms of the house were the perfection of wisdom for the convenience of business, as the common law had been called the perfection of reason. The departure from these had placed the house in this unpleasant predicament. But it was impossible that the house could, with any shadow of justice or prudence, refuse to hear the petitioners in some way or other.

The *Chancellor of the Exchequer* observed, that the bill before the house went to levy certain duties to carry on the war, and the petition, in opposing the bill, obviously went against levying those duties, and could not, therefore, consistently with regard to the usages of parliament, be received. The precedent would prove injurous, by establishing a deviation from so wise and necessary a principle of not admitting petitions against supplies immediately necessary for the service of the state. He lamented as much as any man the pressure attendant upon the war; but there could be no general good in such cases, without some partial evils; and the interests and safety of the state would be sacrificed, if we permitted ourselves to be diverted from general purposes, by yielding to complaints of a local nature. Under these considerations he was sorry to be under the necessity of opposing the motion for receiving the petition.

Mr. *Ponsonby* considered that the petition, both in form and substance, was admissible, and contended that from the great interest the petitioners had in the bill, they had a right to be heard upon the subject.

Lord *Castlereagh* insisted that the usages of parliament, which it was so necessary to hold sacred in respect to the necessary supplies for the public service, would not admit of the petition being received, and enforced the other arguments adduced by the chancellor of the exchequer.

Mr. *Sheridan* could see no good reason for refusing to receive the petition; and entered into some general arguments against the tendency of the measure of which the petitioners complained.

General *Tarleton* wished the petition to be received, although it was not signed by any one of the 1461 voters who supported him at the last election; nor was he requested by any one of those voters to interfere in its behalf. The hon. officer took occasion to inveigh against the want of national spirit on the part of opposition; and on their disposition to panegyrize the talents of foreign generals, while they overlooked the merit of their own countrymen. These gentlemen were, in his apprehension, pursuing a dreadful course; which, although perhaps their only object was to turn out ministers, would tend to turn out the country [a laugh.] The hon. officer bore testimony to the respectability of Mr. Rathbone, the delegate from Liverpool, but he did not like his sectarian principles.

Mr. *Whitbread* observed, that his gallant friend seemed to allude to some remarks of his on a former evening, relative to the talents of foreign officers; but however transcendant those talents were, or however much was to be apprehended from them to any part of the empire, he had the consolation to think, there was one place which defied their attack; that at least Berwick was safe. [A laugh, general Tarleton being now governor of Berwick.] The hon. member argued forcibly in favour of the motion.

Mr. *Huskisson* observed, that every proviso of the bill against which the petition was levelled containing the imposition of a duty, it was completely a money bill, and therefore the motion could not at all be acceded to, consistently with the usage of the house.

Lord *H. Petty* said, that his object was to rescue the petition from the representation made of it by the hon. member who had just sat down, and to shew it was a petition against the bill by its title, and therefore not within the meaning of the established usage of the house. The title of the bill was, 'a Bill more effectually to carry into execution certain Orders in Council.' He contended, therefore, that there was no ground of usage that could preclude the merchants of Liverpool from being heard upon so important a question. The Hawkers and Pedlars bill had not been divided, but referred to a committee of the whole house, in which the petitioners were heard by their counsel against the bill, the counsel having been warned to confine themselves to the matter of the regulations, and not to meddle with the part of the bill granting duties. Were the merchants of Liverpool not to be allowed that privilege which had been granted to chapmen, hawkers, and pedlars? Was the house to have its doors hermetically sealed against the petitions of the people? He trusted, however, that they would not suffer themselves to be led away from their duty by his majesty's ministers, but decide that they would hear the petitioners then at the bar, on a question of such vital importance to the trade and prosperity of the empire.

Mr. *Rose* contended, that the usage which precluded the reception of the petition, had never been departed from. The Hawkers and Pedlars bill, had been rather of regulation and police than of duties, and therefore was not analogous to the present case. If the house were to throw open its doors in the present instance, they would never be able to close them; for whatever might be the nature of a tax hereafter to be proposed, their table would be covered with petitions against it, on the authority of this precedent.

Mr. *Sheridan* rose to a point of order. He said that it had been declared from the other side of the house in the course of the debate, that the authority of the Chair had decided against the claims of the petitioners to be heard in this instance, and that authority had been quoted, and made the ground of arguments in the discussion. Now, the point of order to which he rose was, that as he had not heard any such opinion stated from the Chair, he wished to know whether the question had been so decided upon from the Chair?

The *Speaker* then rose and said, that the house must perceive he was called upon in no usual way; however, he should not shrink from the performance of his duty, whenever he should be called upon to perform it. He apprehended that any member of that house, who might have had the honour of being appointed to the chair, had two duties to perform. The first was, when a member thought proper to consult him upon any question touching the forms of that house, or the nature of its proceedings, he was always ready, as, indeed, it was his duty, to state to him his personal opinion, upon the point submitted to his consideration. It was also his duty, whenever a question arose in the course of their proceeding, respecting the orders, forms, or usages of that house, to explain the rules of its conduct, and the nature of the particular order or usage that might bear upon the question, always leaving it to the house to make the application. It was not for him by an avowal of his opinion to attempt to sway the debates of that house. If, however, it should be the pleasure of the house, to call upon him for his opinion, he should be ready to declare it; for he did not fear to state his opinion. But the matter was still a question in the house, and upon it the house alone could, by a vote, decide. He had stated what the usage was, and that, if the bill under consideration was a Money bill, pursuant to such usage no petition could be received against it. But he had understood the house to have been debating the question, whether the bill was a Money bill or not. Upon that point, a vote of the house alone could be decisive; and if, in the only case in which he could be called on for an opinion upon it, in the case of a balanced opinion in the house, it should be his duty to pronounce that opinion, he would know how to do his duty; but, until then, it was not for him to express any official opinion.

Mr. *Sheridan*, in justice to himself, to the house, and to the chair, was bound to explain the motive which induced him to put the question to the chair. He had not the most distant idea of putting his question from any feeling of disrespect to the chair. He had heard the hon. gentlemen opposite assert, that the opinion had been decisively given by the chair, which statement he very much questioned, and he was happy to find that his opinion was confirmed by what had fallen from the chair.—A division then took place,

For receiving the Petition - - 80
Against it - - - - - - - - - - 128
Majority against it - —48

List of the Minority,

Abercromby, J.
Adam, W.
Anstruther, sir J.
Aubrey, sir J.
Baring, A.
Baring, Thos.
Bernard, S.
Blackburne, John
Blackburne, John J.
Bouverie, E.
Bradshaw, A. C.
Browne, Anthony
Byng, G.
Calcraft, J.
Calcraft, sir G.
Cavendish, lord G.
Colborne, N. W. R.
Craig, J.
Dundas, hon. C. L.
Dundas, hon. R. J.
Ebrington, viscount
Eden, W. F. E.
Elliott, W.
Fergusson, S. C.
Fitzpatrick, R.
Greenhill, R.
Griffenhoff, J.
Herbert, H. A.
Hibbert, G.
Horner, Francis
Howard, W.
Hume, W. H.
Jekyll, Joseph
Knox, T.
Lamb, W.
Latouche, R.
Lawrence, F.
Leach, John
Leman, Charles
Lloyd, J. M.
Lushington, S.
Macdonald, James
M'Kenzie, general
Maddocks, W. A.
Mahon, viscount
Martin, H.
Miller, sir T.
Mosley, sir O.
Newport, sir J.
North, Dudley
Ord, W.
Ossulston, lord
Parnell, H.
Pelham, hon. C. A.
Petty, lord H.
Piggott, sir A.
Ponsonby, G.
Porchester, lord
Prittie, F.
Quin, W. H.
Russel, lord W.
Sharp, R.
Sheridan, R. B.
Shipley, W.
Smith, W.
Stanley, lord
Stanley, Thomas
Tarleton, B.
Taylor, M. A.
Temple, earl
Tierney, G.
Tracey, H.
Walpole, hon. G.
Ward, hon. J.
Wardel, G. F.
Warrender, sir G.
Western, C. C.
Whitbread, S.
Windham, W.
Wynne, sir W. W.

Tellers.

Gascoyne, Isaac
Creevey, Thomas

HOUSE OF COMMONS.

Friday, March 4.

Liverpool Petition against the Orders in Council Bill.] Mr. *Tierney* held in his hand a Petition against the Orders in Council Bill, framed in consequence of the rejection of the petition from the merchants of Liverpool offered last night. That petition being incompatible with the orders of the house, the present was framed to suit those forms, and that was the reason why it was signed only with the names of the three gentlemen who acted as delegates, instead of the 400 merchants who had signed the other.

The *Chancellor of the Exchequer* having heard the prayer of the petition read, feared it still militated against the forms of the house, as adverting and being applicable principally, if not exclusively, to the bill before the house. If the petitioners would state their grievances under the Orders in Council generally, the petition might be received and attended to.

Mr. *Tierney* defended the petition against this objection of applying to the bill before the house. It applied simply to the Orders in Council.

Mr. *Huskisson* argued that the petition applied substantially to the bill before the house.

Sir *John Anstruther* contended, that the undoubted right of the subject to petition for redress of grievances was trifled with, when the petitioners were told one day, that it was exceptionable to petition against the bill, and another day that it was equally exceptionable to petition against the Orders in Council; to which he contended this petition exclusively applied.

Mr. *S. Bourne* argued against the petition. If his majesty recommended a vigorous prosecution of the war, it would be competent to petition against the continuance of the war, but not against any tax that might be imposed to carry on the war.

Mr. *Whitbread* maintained, that the petition in its present form ought to be received. The present petition was, in fact, altered from a form which was objected to, to a form deemed unexceptionable. If the petition in its present shape was objected to, he wished to know in what shape the aggrieved persons who signed it could apply for redress.

The *Chancellor of the Exchequer* felt it his duty to oppose the petition equally as the last, if it was in terms contrary to form. There was no objection but in point of form; and if the petition were put in proper form, no doubt the house would and must receive it.

Mr. *W. Smith* represented the extraordinary situation in which the house would be, if by any captious objections in point of form, the grievances of the petitioners should not be taken into consideration till the bill had gone out of the house. He understood the chancellor of the exchequer had represented the measure in some of his conferences with the merchants, to be not a measure of revenue: why then should it be now put on such a footing in order to preclude the petition? But, in the present form the prayer was general, and therefore the petition ought to be received.

The *Chancellor of the Exchequer* thought it possible that in his conferences with the merchants, he might sometimes have said the measure was not intended as a revenue measure, neither was revenue the object, though revenue may be the means of carrying the other objects into execution.

Dr. *Laurence* thought the present attempt to get rid of the petition a trick not unworthy of the worst attorney, or the worst exciseman, in the country. He hoped the house would not be involved in such absurdity as to come to a decision, and afterwards find themselves under the necessity of hearing evidence. It was their duty to give that degree of redress to the grievances that they could, and reject that part that was objectionable on account of form.

Mr. *Adam* blamed the cruelty of barring the petition in every shape. The petitioners might have applied to the king in council, they might have applied to parliament before the bill was introduced; but now they could not apply to the king because the measure was before parliament, and they could not apply to parliament because it was a revenue bill.

The *Solicitor General* understood it to be the received sense, that, as applying to the bill before the house, the petition could not be received; as distinct from that measure, it was unexceptionable. The remaining question was merely on the construction of the petition before the house, which he referred to the bill, and was of course of opinion that it could not be received. If a petition not applying to the bill should be offered, it must be received; but whether the petitioners should, after all, be heard by counsel, was a separate question for the discretion of the house.

Sir *Arthur Pigott* contended that the petitioners ought to be heard, and evidence examined at the bar, for the purpose of putting the house in possession of the valuable information which the petitioners could give. It would be too late for them to present their petition when the bill should have passed, and therefore they ought to be heard in this instance. The bill had been originally introduced, not as a revenue bill, but for the purpose of carrying the Orders in Council into effect, and therefore the petition should be considered as applying against the Orders in Council.

Mr. *Bankes* agreed in the principle laid down in yesterday's debate; but was of opinion, that the petitioners could not suffer any material injury by having their petition deferred to Monday.

Mr. *Tierney* declared, that no eloquence nor any earthly influence should induce him to depart from the line he pursued with respect to this Petition, because he had never stood upon a broader principle than when pressing it. The reason why the title of the bill was rehearsed in this Petition, was because the petitioners were the same parties who had been last night before the house, and they felt it necessary to state a reason for their appearance again as petitioners. The petition yesterday had been rejected, because it had been laid down by the chair that no petition could be received against a Money bill, but no such authority bore upon the present petition; and he had the authority of the petitioners to state, that they did not petition against the bill, but against the Orders in Council; and the rejection of this petition would lower the house of commons in the estimation of the public.—A division then took place:

For receiving the Petition	57
Against it	111
Majority .... —	54

LAW OF PARLIAMENT RELATIVE TO OFFICIAL COMMUNICATIONS.]—Mr. *Adam* rose pursuant to the notice he had given on a former evening, to propose a motion somewhat new in its nature, because the circumstances which had induced him to bring it forward were novel, and, he might say, unprecedented. Before stating the terms of this motion, he found it necessary to enter into some discussion of general principles, and to state the facts upon which he intended to found it. The object was, to prevent the repetition of a practice which the house had had occasion to witness on the 3d of Feb. last, and which stood recorded on the journals of the house of the 8th of Feb. he hoped for the last time. When any thing irregular occurred in the course of the debate, it was not unusual to check that irregularity at the time it took place; but because the irregularity to which he alluded was not checked at the moment it happened, it was no reason why the house should not now impose an effectual check upon its recurring on a future occasion. He should now endeavour to shew that the right hon. secretary of state, by reading extracts from official papers not before the house in the course of the debate, had been as disorderly as if he had introduced his majesty's name for the purpose of influencing the decision of the house; than which, it was unnecessary for him to state, nothing could be more irregular. In the year 1757 a member of the house of commons having expressed a wish to be absolved from his oath of secrecy on a court martial, a message was sent to the house by the king, in which there was a reference to what had passed in debate on the subject. The message was received, but particular mention was made of the circumstance on the journals of the house, as being of a nature which ought not to pass unnoticed. In that instance the violation of form, he was inclined to think, rather proceeded from oversight; but, on a late occasion, he had not the same apology to make for a much more flagrant breach of order. He hoped, therefore, that the house would so mark it with its reprobation as to prevent its ever occurring in future. In order to induce it to come to this decision, he should shortly recapitulate the circumstances on which he meant to ground a motion; and he was confident that if the house did not adopt some resolution similar to that which he meant to propose, it would be impossible to go on with the transaction of public business in the way in which it had hitherto been conducted, and that there was an end at once to the constitution of parliament. The first point he wished to establish was, the difference that there was between simply answering a question which might be put for the sake of obtaining information on any particular subject, and the practice which the right hon. secretary had introduced, of reading extracts from official papers in the course of debate, to serve any temporary purpose which he might have in view, either in his private or official capacity. There was as great a difference between these, with regard to the forms of that house, as there was in a court of law between the speech of a leading counsel in the cause, and the evidence he adduced in support of the pleadings. The right hon. secretary, not contented with giving his own representation in support of that side of the question which he espoused, had brought forward a chain of evidence, the truth of which it was not in the power of the house to verify, for the sake of influencing its decision upon the question at issue. On the 3d of Feb. certain papers had been moved for by a right hon. friend of his (Mr. Ponsonby); and in the debate which took place, the discussion embraced not only the motions for papers, but the conduct of the individuals to which these papers referred. On that evidence the secretary of state for the foreign department read extracts from two of those papers which had been moved for, for the purpose of putting the house in possession of the information necessary to enable it to form a judgment of the propriety of the hostile proceedings which government had adopted against Denmark. On the 8th of Feb. another hon. friend of his (Mr. Whitbread) moved for the production of those very papers from which the secretary of state had read extracts on the 3d of Feb. on the ground that the extracts which had been given conveyed a different impression to the house from that which the writers of these dispatches (lord Howick and Mr. Garlike) intended to convey. On the 3d of Feb. the reason given for not producing the whole of these papers was, that their contents could not be disclosed without detriment to the public service; and, on the 8th of Feb. the right hon. secretary had persisted in opposing their production, on the pretence that he had not misrepresented, in the extracts which he had read from them, the opinions of lord Howick and Mr. Garlike. On the 26th of Feb. however, the right hon. gent. had come down to the house, and himself moved for the production of those very papers, the contents of which, on the 3d of Feb. he had contended it would be unsafe to disclose, and the production of which he had resisted on a different ground on the 8th of Feb. for the purpose, as he stated then, of vindicating his own character! When the right hon. gent. read the extracts from these papers on the 3d of Feb. it was not done with the view of communicating information to the house, but for the purpose of influencing its judgment upon an important public question. It was not done preparatory to a proceeding, but on the very model of a proceeding which was to terminate in adjudication; and it was upon this ground that he pronounced his conduct to be wholly irregular, and highly censurable. If a libel was published upon any member of the house, it was competent for that member to move that the libel should be read in the house; but the house would not ground any proceedings upon the libel till it was upon their table. This practice, which he contended to be invariably adhered to, was supported by an analogy which was completely impregnable. On the 29th of Nov. 1767, it was contended by Mr. Grenville, on the one side, that it was competent for any member to demand that any part of the journals of the house should be read: and, on the other side, it was argued by Mr. Dyson that this could only be done in consequence of a vote of the house, and that this point of form was now waved for the convenience of the speaker. Mr. Adam asserted, that it was in the competence of the house to enforce its observation. A vote of the house was not necessary, however, to authorize the reading of such papers as were upon the table of the house, whether in consequence of an address of the house, or by command of his majesty; and in this case any individual member could, at his own instance, demand that they should be read. In support of this doctrine he appealed to the authority of Mr. Hatsell, and of Mr. Speaker Onslow; and the conclusion he drew from it was this: that the house never came to a decision on any evidence, of which it was not in the power of any individual member of the house to compel the reading, either long or short, to use the technical term; and that any member who presumed, of his own accord, to read official documents which were not before the house, was guilty of a flagrant violation of its forms of proceeding, and of an infraction of the law of parliament. Mr. Adam quoted two remarkable cases, in which an attempt of this kind had been checked. The first took place at a very extraordinary period of the history of this country, when we were in alliance with France and Prussia, and were endeavouring to prevail upon the Low Countries to join us in a confederacy against a league which was formed between Spain and Austria. An address was then moved in the house of peers; in seconding which the duke of Newcastle read part of a letter which he had received from Mr. Stanhope, the British minister at the court of Madrid, containing information respecting certain articles of the treaty supposed to have been signed between Spain and Austria. The duke was immediately asked whether he was authorized to read this letter; and on his answering that he had the king's permission to read a part of it, lord Lechmere observed, that in this case the document went for nothing. Here then was a precedent drawn from the practice of parliament, which clearly shewed that it was irregular in debate to quote any paper which had not been regularly submitted to parliament. And the case to which he alluded bore directly upon the circumstances on which he meant to found his present motion. The papers quoted by the right honourable secretary, on the 3d of Feb. were not before the house in either of the two regular modes by which public papers could be laid before the house, viz. in consequence of the command of his majesty, or of a vote of that house; and therefore could not be read in debate, conformably with the law and practice of parliament. Mr. Adam next quoted, in support of the same doctrine, the more recent authority both of Mr. Pitt and Mr. Fox. In 1792, when a question came before the house, relative to the seizure of Oczakow by Russia, some members being then of opinion that the house was not in possession of information sufficient to warrant it in coming to a decision, moved for the production of other papers; which Mr. Pitt thought proper to refuse. But Mr. Pitt, in refusing these papers, did not, like the right honourable gentleman opposite, pull from his pocket, or his box, the papers which he refused, and read extracts from them to the house; but in a bold and manly way asked the house, in the absence of information which he did not think himself warranted to grant, to repose in him not a base and servile confidence, but such a fair degree of confidence as a minister who had long acted before them was entitled to expect. The other circumstance to which he alluded, happened in 1801, when some complaints were made of a part of the army not having been properly supplied with provisions; and when in answer to these complaints, a member of that house (Mr. Dundas) attempted to read a letter from sir C. Stuart, he had not proceeded two sentences in that letter, when he was interrupted by Mr. Fox, as in a thing which was altogether irregular. Here then were the two highest authorities of modern times, uniting in support of the general doctrine which he had already laid down. But in opposition to this doctrine, the right hon. secretary had read extracts from papers which were not before the house evidently for the purpose of influencing its decision upon the subject to which they related; and afterwards carried off the papers, part of which he had read, thus putting it out of the power of the house to recur to that evidence upon which its decision was to be grounded. On this conduct he thought it was the duty of the house of commons to put such a mark of censure, as to prevent the practice from being ever in future repeated. And if there was no precedent for what he was about to propose, he reminded the house, that the circumstances also were altogether novel, and on this ground he hoped that it would consider itself warranted in creating a precedent. The practice, if it was not checked, might be productive of the most prejudicial consequences: because it tended to draw the house into a decision, not upon evidence, but upon a simple representation; because it might be converted into an unconstitutional means of influencing the resolutions of the house; and because it went to introduce a new mode of bringing public papers before parliament, different from either of those which had been hitherto practised. There was also a favourite word with the right hon. secretary, namely 'diplomacy,' and upon this part of the public service it could not fail to have the most pernicious influence. Did the right hon. gentleman think that it was matter of indifference to Mr. Garlike, that a part of one of his dispatches should be read; and that the dispatch should afterwards be carried away, before the house was enabled to judge whether it would bear out the representation which had been founded upon it? Such a system, if persevered in, might have the effect of depriving the public of the services of the ablest diplomatic men, by the apprehension which it would impose of their communications and characters not being safe in the hands of a secretary of state. And what servant of the public in that capacity would be secure, if a secretary of state were at liberty to come down and read a part of a letter or a dispatch, and afterwards carry it off in his pocket, without leaving the house in possession of the document by which alone it could judge whether the representation given of it was just or erroneous? There were a variety of ways in which this practice might become prejudicial, not only to the constitution but to the whole code of parliamentary regulations. If it was allowed, it would be impossible to avoid referring to former nights' debates, which at present was not permitted; because there was no necessity for it, when the documents which formed the subject of discussion were upon the table of the house, and therefore might be referred to as often as occasion required. In a constitutional view it was obviously of the most fatal tendency, because it might be converted into an engine of dangerous influence upon the proceedings of the house on the part of the king. The fact, therefore, having happened, it was incumbent upon the house to come to some resolution respecting it which would prevent it from again recurring. There was also another point of view in which the conduct of the right hon. secretary appeared to be highly censurable, namely, in disclosing the secrets of his office, without the command or permission of his sovereign. The great officers of state were bound by law to the most profound secrecy in the exercise of the trust reposed in them, and they could not be absolved from this obligation of secresy, excepting by command of the sovereign. A secretary of state had no more right, of his own accord to disclose the contents of any dispatch with which he was entrusted, than a person picking it up by accident would have to publish it. The interference of the house, therefore, was essentially necessary on the present occasion, as well to mark its disapprobation of the misconduct of one of the servants of the crown in his official capacity, as to secure the regularity of its own proceedings, and the independence of parliament. On these grounds, Mr. Adam concluded with moving the following Resolutions: 1. "That it appears to this house, that one of his majesty's principal secretaries of state did read to this house dispatches, and parts of dispatches, and other communications, to and from the accredited ministers of this country at foreign courts, relative to the subjects of their missions; and that he has stated and read other matters respecting the transactions of this country with foreign powers, none of which were then communicated to this house by his majesty's commands, and some of which this house has determined to be unfit to be produced. 2. That such conduct is subversive of the ancient and approved usages of parliament, is destructive of fair discussion and decision, and has a direct tendency to injure the public interest, by making the resolutions of this house proceed on inaccurate statements, which it cannot correct by reference to the documents from which those statements are made; or to force on the consideration of this house, papers which, in its wisdom, it may deem unfit for public production. And further, That such conduct is contrary to the trust which is reposed by the constitution in the confidential servants of the crown."

Mr. Secretary *Canning* said, he rose with more confidence than he expected he should have done. When he considered the profound legal knowledge, the deep parliamentary research, the great experience and the great eloquence of the hon. and learned gent. he feared that he should sink under the combination of all these acquirements. He expected something would have come from the honourable and learned gent. which would have entirely changed the nature of the question. If the hon. and learned gent. was satisfied with his speech, he was no less so; for with whatever confidence he had delivered himself to the house, he could assure him it had entirely relieved him from the doubt and anxieties so natural to a person in his situation. The hon. and learned gent. according to the tactics of accusation, had bestowed great part of his argument to prove that no advantage was to be taken of official situation, and that no information was to be communicated to parliament but in a regular form, either by command of his majesty, or in consequence of an address. If this principle was to be adopted in consequence of the hon. and learned gent.'s motion; if the doctrine was now to be laid down, that no minister was to convey any information, except in that particular form—it would be impossible for the business of the country to go on. Where would the hon. and learned gent. draw the line? Would he say, that to answer a question would be perfectly correct, but to receive voluntary intelligence would be inadmissible? But if communication according to the practice which, he was confident, he would be able to prove before he sat down had existed, were to be made, in what way was it to be done? Should it not be either in the way of summary, or by extract? The reasons for preferring the latter were obvious; and considering the candour with which, on all occasions, he had been treated by the gentlemen on the opposite side, he concluded they would not maintain that the extract was not correctly stated. The hon. and learned gent. complained of the injury which the diplomatic character of some of his friends sustained by withholding some parts of the correspondence, and reading others. But had not that been always the case? In one part of the hon. and learned gent.'s speech he cordially concurred. He joined with him in condemning the practice which had prevailed of late years, of laying, upon every trifling occasion or petty provocation, voluminous and mischievous extracts before parliament. It would afford him the highest satisfaction, if that or any other discussion would have the effect of checking a practice productive of such very great inconvenience. The hon. and learned gent. in the course of his profound parliamentary research, could discover but two instances in which this practice, which he reprobated so severely, had prevailed; and both these, he thinks, are decisive against the practice because the persons who resorted to it met that censure, which it was the object of the hon. gent. to heap upon him. The first was the instance of the duke of Newcastle, who was rebuked for reading an extract from a dispatch. The next instance was that of lord Melville, who was reprimanded by Mr. Fox for an attempt of the same kind. And by whom was he rebuked? Was it by an impartial authority, holding the balance with an even hand, or by a zealous political opponent, engaged in a virulent political war, who would have taken the same advantage of lord Melville that the hon. gent. sought to take of him? But Mr. Pitt, it was said, abstained from the practice. Now, had the hon. gent. searched the modern records with the same zeal he did the old Parliamentary Journals, he would have found, this unconstitutional, this never-to-be-sufficiently-reprobated practice sanctioned by the authority of that very person. He would produce an instance to shew that Mr. Pitt did not think the practice improper. In the debate which took place in the year 1800, on the overtures to France, the discussion principally turned on the pacific disposition of the administration. On that occasion, Mr. Pitt, in the course of one of the most splendid effusions of eloquence which he had ever poured forth in that house, gave first a general history of the measures of government as far as respected their efforts to obtain peace, and, as a proof of their pacific disposition, did take from his pocket an extract of a dispatch written five years before to the Court of St. Petersburgh, and read it in his place. What was the conduct of Mr. Fox on that occasion? Did he complain that Mr. Pitt violated the duties of his office, and broke in upon the forms of parliament? No: he said that he had never before heard of the application to the court of St. Petersburgh, and that he highly approved of the tone in which the document was written. There was no insinuation here of garbled extracts, for partial purposes. So much for one of the hon. gent.'s instances. But it was not on that occasion only that an extract was read. It occurred in twenty debates during the last war. It might be proper, perhaps, for the hon. gent. to endeavour to draw down the indignation of the house upon him by way of 'experimentum in corpore vili;' and to check a system of which he was not the beginning but the end. He would give the hon. gent. another instance. It was no later than the last year that lord Howick came down to that house, and read, in angry debate, an extract of a letter from a noble friend of his (lord Castlereagh) to lord Cathcart. This letter was taken from among the papers which the hon. gent. was so anxious to impress on the house were state property, and could not be applied, without a gross breach of duty, to private purposes. And yet it was in favour of this noble lord that all these whimpering complaints were made. He was not yet at the end of his instances. In 1804, when Mr. Pitt moved an enquiry into the conduct of the Board of Admiralty, he could recollect, that a right hon. gent. now in his eye (Mr. Tierney) who was not a cabinet minister, came forward and read masses of papers, which never would have come into his possession, in consequence of having any official controul over them. He could also recollect that a great constitutional lawyer (Mr. Adam) upon a motion respecting the grant of a pension to a Scotch judge, did rise in his place and read a long extract from a letter, for the purpose of fixing upon the duke of Portland the stigma of that transaction. A noble friend of his (the marquis of Titchfield) immediately went to Burlington house, and returned before the debate was concluded, with a flat negative to the hon. gent.'s assertion. What did he think of this instance? As to the motions which were rejected on the 3d Feb. not one of them would have brought the letter to which the hon. gent. alluded before the house. That on the 8th certainly would, and that he rejected not on account of the public mischief likely to arise from its production: he refused it, because it was demanded upon a false assumption, namely, that of his having made a charge against lord Howick. He afterwards granted it in his own exculpation, to prove that the extract he read was supported by the context.—He would say a few words, with permission of the house, upon the Resolutions as they applied to him. It was not for him to state what would have been the course for the hon. gent. to have pursued; but he could not help thinking, that it would have been more advisable for him to have adopted a prospective measure, than to have laid down the principle, and then applied it to him. Why did he not follow the example of Mr. Fox, call him to order, and not let him go on in error, when he read this offensive extract? Why did he not take notice of it at the time, aware as he was, by his own confession, of its impropriety, and not come down a month after, and make it a subject of accusation? The hon. gent. in the Resolutions he had moved, laid down, in language more eloquent than accurate, the general principle, and then made a particular deduction from it. He made it a matter of charge and grave accusation, that he (Mr. C.) attempted to persuade the house to refuse a paper, an extract from which he had read, But did not the house refuse it, and was not the guilt therefore, if there was any, chargeable upon the house? The hon. gent. deduced also as a corollary from the premises in the first Resolution, that he had committed a breach of trust. If he had done so, he could not be prosecuted with too much vindictiveness. He would deserve those rebukes which the duke of Newcastle received from lord Lechmere, and lord Melville from Mr. Fox. When Mr. Pitt read the dispatch sent to St. Petersburgh, when lord Howick read the letter of his noble friend to lord Cathcart, when another right hon. gent. read volumes of extracts from the records and correspondence of the Admiralty, there was no question on these occasions of breach of trust. But to this charge of breach of trust and violation of official duty, he would reply, that ministers had his majesty's confidence each in their several departments, and that that confidence implied they were to exercise their discretion either in using or withholding, except in consequence of his command or an address, any correspondence in their respective offices. If documents were to be produced on every occasion; if no information was to be communicated but in the manner stated by the hon. gent.; the business of parliament, and of this great, prosperous, and happy country, must stand still.—The right hon. secretary then stated, that as a high criminal charge was preferred against him, he should withdraw, and throw himself upon the judgment of the house. He withdrew accordingly, amidst loud cries of "question, question."

Mr. Windham and Mr. Whitbread contended, that this was not a case when it was necessary for the right hon. secretary to withdraw, and appealed to the authority of the chair.

The Speaker said, that he had looked into precedents on this point, and found that the uniform custom on such occasions was for the person accused to withdraw.

Mr. *Windham* lamented, that the circumstance of the right hon. secretary having withdrawn from the house, prevented him from answering as fully the arguments of that right hon. gent. as he should have felt himself bound to do if he had been present. He then proceeded to touch lightly on the different precedents, as they were called, which the right hon. secretary had called in to his aid; and maintained, that not one of them was such as could bear out that right hon. gent. in the inferences which he had drawn from them. From the rarity of those instances which that right hon. gent. could, with the utmost stretch of his ingenuity, suppose to be at all analogous, it was pretty evident that, at least, such was not the general practice of parliament. But, putting all question of authority or precedent aside, the right hon. gent. said, Would it be argued that, in no case whatever, a person who was in an official situation, should make any communication to that house, of what came to his knowledge, in his public capacity as a servant of the crown? The fact was, that his hon. and learned friend who made the motion, said no such thing: he only went so far as to say, that no minister ought to be suffered to read, at his own pleasure, such partial extracts from official documents as might tend to mislead the judgment, and give a wrong turn to the decision of that house. But then, said the right hon. secretary, 'It is difficult to know where to draw a precise line in such cases.' Even so: admitting that, was it to be said, that for that reason we were to have no line at all? was it to be said, that because, in a case where there was obviously no mischief to be apprehended, a practice something like this was suffered to pass without any formal reprobation on the journals, and with only a slight personal censure; was that a reason why we should allow the practice to prevail unnoticed, to the most unlimited extent that any person in office might think fit? It was one thing to place confidence in his majesty's ministers collectively; or in any one giving information, either when called upon in that house, or when ordered officially to do so by his majesty; but it was another, and a very different line of conduct, for one of his majesty's ministers to ransack the archives of his office, for the purpose of finding out such documents as might be serviceable to him; to pick out what scraps he pleased, and read them when he thought proper, and in what manner he thought proper, with a view to a personal triumph in debate; and afterwards to refuse the house an opportunity of reading those documents and judging for themselves, when they were told, from high authority, that a false colour was given to them by that partial reading. The house owed it to the character of lord Howick, and to the character of Mr. Garlike, to express its disapprobation of such conduct in the present instance.

The *Chancellor of the Exchequer* concurred in every principle and sentiment that had been laid down by his right hon. friend, and did not hesitate to declare, that of all the charges and accusations he had ever heard, none appeared to him to have so little foundation in argument or precedent as that now made against his right hon. friend. His hon. and learned friend had alluded to the profession he had formerly followed, and he would now answer him in the language of that profession, that all his arguments went only to open a nonsuit, and that every step he advanced, the deeper he laboured to involve himself in difficulties. The charge now stated in the resolutions, was not that the dispatch was garbled, but the objection was to the shape in which it appeared, that of an extract. Yet was not every communication made to the house uniformly made in that shape? The same objections would lay to any other extract, even that of a private letter which any member might choose to read as a part of his speech.

Mr. *Whitbread* declared that he lamented the absence of the right hon. secretary on his own account; as he was, owing to that, deprived of the pleasure of witnessing the change in the conduct of his right hon. friend (the chancellor of the exchequer) towards him since the 8th of Feb. when he (Mr. Canning) was entirely deserted, not only by that right hon. and learned gent. but by all his colleagues. The right hon. gent. might have gone away satisfied in some degree with the effect of his own lively speech; that speech, however, he must confess, had made no impression on his mind.

Lord *Castlereagh* said, the arguments urged by his two right hon. friends were so extremely forcible and convincing, that he should only say a very few words. He then went over his former argument, that his right hon. friend had refused the motion of the 8th of Feb. for those papers, because he had been charged with reading them for a purpose which he disclaimed; and the noble lord thought if the motion was agreed to, it would so bind the house up, that it would be next to impossible to read any information to the house. He should therefore support the amendment, and vote for the order of the day.

Mr. *Sturges Bourne* was sorry, that in all arguments of this kind a great deal of party spirit and party animosity was too often introduced. In the instance he was about to introduce, he declared he did not mean to impute any blame to the noble lord for having done as he did; but as so much stress had been laid on reading extracts of dispatches by the other side of the house, he could not help mentioning a case of that nature which happened not a year ago. At that time a change of ministry having recently taken place, lord Howick, in the absence of ministers, who were then in the country attending their elections, had produced, and read to the house, an extract from an official document, made on the subject of a private interview between his sovereign and himself. He repeated that he did not mention it as a matter of blame in the noble lord. He might have the leave of his majesty to read it, but it was certainly a case very strongly in point on the present occasion.

Mr. *Adam*.—Sir; it is now my privilege to rise in reply; and considering the manner in which this subject has been treated by gentlemen on the other side of the house, and particularly by the right hon. gent. who has left the house, I have no doubt but that I shall be heard with attention.—I have to regret, from the very bottom of my heart, that the right hon. gent. has thought it proper to retire before he heard my answer to some of his statements, because I detest the idea of saying behind a man's back, that which affects himself personally. But he is the cause of this, and not me. I must desire his friends who remain to report to him, and to state the positive contradiction which I am about to give to a matter which he stated respecting myself. Which I shall do, I can assure you, sir, much as I feel the injury of his misrepresentation, in language perfectly parliamentary. Sir, I must begin with this, because I am determined to set myself right, not only from the misrepresentation of the fact, but from being supposed capable of having accused another of a transgression which I had myself committed. The right hon. gent. was pleased to say, that I had myself, on a former occasion, transgressed the usage which I now contend for in the motion I have now made. The right hon. gent. chose to introduce this with a despicable witticism. "A pension during pleasure (he said) oh, no, it was not, it was the profit, not the pleasure, that the learned gent. who made this motion, looked to." Sir, I challenge him, or any other man, to cite an instance, in my life, that could serve to justify any unworthy insinuation on that score, or that can warrant a charge on my independence. That right hon. gent. may look to profit and power, and insinuate against others, what he feels in himself. But I will not permit him to charge me with such motives of action. But, to return to the subject, sir, the representation which has been made by the right hon. gent. respecting my conduct about lord Cullen's pension, is not supported by the fact. A fact which passed in the presence of the house and of which I have the most perfect recollection. The right hon. the chancellor of the exchequer, in moving the finance committee, threw out most injuriously, some reflections against the late ministers for pensions granted in Scotland. I was ill at the time, and did not hear him. But lord Howick communicated it to me, saying, the only unpleasant thing was a pension said to be granted to a judge during pleasure; and wished me, as probably acquainted with the transaction, from my connection with that part of the country, to give an account of it. In consequence of that, I moved for the pension warrants to be laid on the table. In making that motion, I stated, certainly, though I say it of myself, in a manner to create no irritation or debate, the circumstances which gave rise to the proposed pension; and, in doing so, it was a necessary part of my narrative to state, that a noble duke, now at the head of his majesty's government, proposed to obtain that pension for the learned judge. A noble lord, nearly connected with the duke of Portland, who was present at the statement, without leaving the house, rose and said, that he was authorised to deny that the duke of Portland had ever had any intention to grant a pension to that learned judge. He had, indeed, once thought of obtaining a small pension to the lady of the judge, but that he had abandoned. I had occasion to rise in reply, and to vindicate the truth of my original assertion, which was positively contradicted by the noble marquis (lord Titchfield); and not thinking it sufficient, and it would not have been sufficient, to set my assertion against the other, I read from a note of the learned judge, written after an interview with the duke of Portland, a statement, that he had seen the duke, had made him master of all the circumstances, and that his grace desired to see me on the subject of his (the learned judge's) pension. This is the real state of the case, it passed in the presence of you, sir, and the house, and I defy it to be contradicted. I ask, then, sir, if this bears any, the least resemblance, to what was stated by the right hon. gent. and whether he has not completely misrepresented the fact? I ask if this reading a private note, is like a minister reading public dispatches—if reading it to induce the house to grant a paper or warrant, is like a minister reading dispatches, to influence the vote of this house, and to make a part of his own defence, and which he does not lay upon the table? But, sir, I did not even do what I here suppose. I did not read any note or letter; in the first instance; I read it in answer to an allegation, made in contradiction to my statement, to prove the fact to be as I stated it, and which did prove it to be so. But the right hon. gent. is not only so much mistaken in his fact, that it cannot aid; but he has shewn in the statement of it, such a determination to misrepresent, that I cannot hesitate now to say, that there is good reason to believe, from his having misrepresented this fact, that he did garble the documents which he read on the 3rd of Feb. So that, this is not only a case which does not aid his defence, but it is a case in which he has been guilty of absolute misrepresentation, and which affords the strongest reason to conclude, that his conduct has been that which it has been charged to have been, when he read the dispatches. I trust, sir, that by this statement, I have clearly destroyed the authority of the case derived from my own conduct.—Let us see now, sir, how his other case stands—he tells us that Mr. Pitt, when charged by Mr. Fox, did the same thing, and for some purpose he states, that I have represented Mr. Pitt's character in glowing colours, and have not, I suppose he means, spoken in the same terms of Mr. Fox. Sir, I spoke of Mr. Pitt, as I felt on the occasion to which I was referring, and speaking of a great man, who is no more, with whom I never had any political connection, but constant political difference, I think I did right to speak of his character and conduct as I felt it; the occasion being one of strict adherence to constitutional ground. But sir, with Mr. Fox, I not only always acted, but I lived with him in habits of the closest intimacy and friendship. I feel, in praising Mr. Fox, the sort of indelicacy that belongs to praising publicly, a person closely connected and belonging as it were to oneself. It is not that I do not hold the character of that great man and most illustrious senator, above all those of his time; it is not that I do not daily lament his loss; but that it is unnecessary and almost unfit, that I should detail those sentiments to the house.—But, sir, with respect to the case cited to justify the act of the right hon. secretary, which my motion calls in question, I deny that it has the least influence in justifying his conduct. The right hon. secretary did on the 3rd of Feb., take from his box a great many dispatches on different subjects, and read them to the house in part, put them back into the box, and thus influenced the decision of the house by them, and refused to let the house have them as evidence or documents, to examine whether he stated correctly, what was contained in them. But what was the case which he cited? Mr. Fox accused Mr. Pitt of not having had pacific dispositions; Mr. Pitt, in reply, says, I had pacific dispositions, and to prove it, he takes from his pocket a dispatch nine years old, and reads it to satisfy Mr. Fox, who had made a personal charge against Mr. Pitt's inclinations to peace, which Mr. Fox says, he is sorry he had not made public earlier. Now is this in the least like the case in question? Mr. P. was not required to lay the paper on the table; Mr. P. was not influencing the decisions of the house by the paper; but he was satisfying an individual objection to the pacific character of his administration, and to confirm his assertion, he read the dispatch of nine years old, and he read it throughout; how can this be compared with the conduct to which my motion refers? Does this drive me from the principle stated by Mr. Pitt in 1792? quite the reverse, it leaves his conduct and the principle I contend for quite untouched. Why did not the right hon. gent. follow it? why, because his previous misconduct and misrepresentation had made it quite impossible for him to rest on constitutional ground, and to comply with the usages of parliament. He had published a declaration, in which he made his majesty tell all Europe, that the affair of Copenhagen was justified by the secret article of the treaty of Tilsit—so it stands in the first declaration—in the second declaration respecting Russia, the talk of secret arrangements at Tilsit, as justifying their measure—but in his majesty's speech they drop these justifications entirely, and they call it a painful—(not a just—the usual expression)—but a painful and necessary measure. It was incumbent upon them to answer all this in parliament; they had publicly declared the ground on which they had attacked Copenhagen, and they had declared false ground—they could not have recourse to Mr. Pitt's constitutional defence in 1792—he had made no false declarations to embarrass him, therefore when he refused papers he desired the house to confide in him, that there were secrets of state, the disclosure of which would injure the public—that he required not a base and servile, but an honourable and constitutional confidence. But the conduct of the right hon. gent. by his previous unfounded justification had deprived him of all right to confidence, and of all means of using it—that constitutional argument for secrecy. He must refuse the papers, and the only ground he had for inducing the house to agree with him was, to state parts of those very papers which he refused. Sir, the manner in which the right hon. gent. has attacked me in defending himself makes it necessary for me to state the truth.—[A laugh from the government benches.]—Sir, if I have committed a *lapsus linguæ* in the hurry of speaking, it argues no folly in the person speaking, whatever folly may be attached to those who raise the laugh. Sir, I have in my motions and in my opening stated nothing but truth, but I stated it in temperate and civil language.—I said nothing vindictive or personal, and I have put no coarse expression in the motion. But the vindictive spirit of the defence, and my being falsely accused of a vindictive spirit, entitles me to say now with truth, that he did garble the dispatches which he read, and that having assigned false causes for his attack on Copenhagen, he could not refuse information on the ground of confidence, but was obliged to have recourse to garble the dispatches, which he read to this house. The gentlemen on the other side say, that the cases I quoted do not bear me out, and that as no motion was made on them, that it proves there was nothing irregular done, and that Mr. Fox, being a political enemy of lord Melville, his reprimand is no authority. Sir, I deny the accuracy of this reasoning—the cases to be found are but two—they are slight transgressions, compared to that which I am now censuring, and the mere notice was thought sufficient to check them. But what was the conduct to which my motions refer?—A secretary of state for three hours together, taking from his box state paper after state paper, reading them partially, commenting upon them, and replacing them in his box, and thereby influencing debate and decision—refusing, and prevailing on the house to refuse, information by these very statements, on which he rested his case. Was this like the transaction in 1725? The duke of Newcastle stated but a short passage, and that was objected to, as contrary to parliamentary usage.—Lord Melville read but a passage, and that was immediately objected to—but it was objected to by his political enemy, Mr. Fox. I ask, in answer, was it justified by his political friend Mr. Pitt?—No, never.—It therefore remains a reprobated and an unjustified transgression. I am accused, sir, by the hon. gent. who spoke last, with having myself committed a most violent offence against order, by having introduced a question with reference to a former debate, at the distance of a month. Sir, I have done no such thing. Your attention to the orders of this house would have checked me if I had done so. My motion is founded upon what appears on the journals of the 8th of Feb. On that day a motion was made, and the question being put, "That an humble address be presented to his maj. that he will be graciously pleased to give directions, that there be laid before this house a copy of the dispatch from lord visc. Howick to Mr. Garlike, dated London Dec. 3, 1806, an extract from which was read by Mr. secretary Canning in his place in this house on Wednesday last, and the Answer of Mr. Garlike thereto," it passed in the negative. 'Resolved, that an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this house copy of the Note delivered by Mr. Rist to lord viscount Howick, relative to the Order in Council of January 7, 1807, and the Answer thereto, extracts from which were read by Mr. Secretary Canning in his place in this house on Wednesday last.' 'Ordered, That the said address be presented to his majesty by such members of this house as are of his majesty's most honourable privy council,' —These entries are unparalleled in the history of parliament. I will venture to say, that it is the first time that any such entry appears; they establish, if allowed to stand unobserved upon, that a secretary of state read parts of dispatches, and did not deliver them in—they do not appear to be before us, in either of the legitimate modes by which we get state papers; they have not been laid, by the command of the king, and one set of them is refused to be addressed for by this house on the 8th. They are produced since on the motion of the secretary of state himself, on the 26th, and he who had before refused them, for reasons of state safety, now moved for their production for self defence. Where then is his ground for charging me with a disorderly proceeding? But, sir, the gentleman is equally unfortunate in his precedent, which has produced so much solemnity; indeed I am astonished, how he and those connected with him should have the boldness to allude to that transaction, considering that some among them are guilty of the greatest violation of the constitution that ever was committed, by their conduct on that occasion. I mean the reference to the conduct of lord Grey on the change of administration, who is charged with having done what I charged the right hon. secretary to have done, by stating the minute of cabinet which took place at the change of administration. Has the hon. gent. and those near him, forgot that there is a news-paper called the Morning Post, that that minute had been previously published in that newspaper in a garbled state; who furnished that garbled minute to the Morning Post? perhaps the right hon. secretary can tell this, and if he can, shall we hesitate to be convinced that he is himself the reader of garbled extracts. But, sir, lord Grey stated here, that he acted by the permission of the king. What he stated (for he read nothing) was by his majesty's permission to counteract a newspaper misrepresentation, and not to influence decision; to set himself and his colleagues right in the eyes of this house; and it seems most extraordinary that a case thus circumstanced should be cited, as having any bearing on this case, when papers were read for hours together without any authority to read them, in order to influence debate and decision.—Now, sir, I insist that the conduct of the right honourable secretary, which I call in question, is against the usage of parliament—that this is proved by its never appearing to have been the practice of the house, and by its being checked each time on the occasions on which it was done. As to modern practice, whatever it may be, I care not, because, I deny that that justifies the practice, or defeats the ancient usage, founded on the principles that formed the common law of the country, the practice of the house, and the acquiescence of the people; and, I contend that my doctrine is confirmed and established by the entries of the 8th of Feb. which I have read to the house, being the only entries of the sort to be found on your journals. Had it been otherwise, there must have been hundreds of the same sort. It is to check this practice that I have moved these resolutions, the wording of which the right hon. secretary has chosen to criticize. As to his insignificant grammatical observations, I certainly shall not waste the time of the house by entering on them. But as to their substance and object, my meaning was this, and I contend that I have executed it—to resolve the fact in the first, and draw the conclusion in the second. The right hon. gentleman has retired, because they criminate him: and you, sir, have sanctioned his act. I can only say what my meaning was. I will not assert that, in nice construction, the latter part of the second resolution may not be connected with the fact stated in the beginning of the first, namely, that the secretary of state being charged with having done the thing, the offence may not be referred to him personally, stated at the end of the second resolution. But my meaning was, by using the words 'confidential servants of the crown,' to make it a general proposition as to all, and not a breach of trust by one, as my object was a general resolution to prevent the grievance in future. Sir, I am now, notwithstanding the tone in which this has been taken up, perfectly satisfied that I have discharged a most important duty in bringing this most important question of the law and constitution of parliament into discussion; both to counteract the entries on the journals, and to check a course of proceeding which places the means of swaying the decisions and acts of this house, by misrepresenting facts, and withholding the evidence of them intirely in the hands of the ministers of the crown. If this object is obtained I am satisfied, and I am confident that in future what has been done now will put a stop to any such proceeding hereafter; and that in our time at least, no minister will dare to do what was done on the third of Feb. last. That being my conviction, I have no desire to take the sense of the house at this late hour, and after this very fatiguing week, upon the question. It is sufficient for me that it remains on record that I have interfered to check this most injurious and unconstitutional practice.

The house then divided upon the motion for the previous question, Ayes, 168; Noes, 67; Majority, 101.—While the Minority were in the lobby, Mr. Ponsonby addressed them. He observed, that the order of the day, relative to the Orders in Council Bill, was yet to be disposed of. He supposed that ministers would not attempt to bring forward such a question at so late an hour. But if they would go into it, he hoped gentlemen would remain, and convince the chancellor of the exchequer that they could stay up as well as he or his colleagues. [A cry of hear! hear!]

HOUSE OF LORDS.

Monday, March 7.

[DANISH SHIPS DETAINED PREVIOUS TO HOSTILITIES.] Lord *Sidmouth* wished to call the attention of their lordships to a subject which he considered of great importance. He alluded to the case of those Danish ships which had been detained in or brought into the ports of this country, previous to the commencement of hostilities with Denmark. He had heard, that in consequence of a rumour of the destination of the armament subsequently sent against Denmark, a representation had been made to government on behalf of the Danish vessels then in our ports, for the purpose of ascertaining, whether they were safe in completing their cargoes. The nature of this representation, or the answer to it, he did not know, but afterwards, in consequence of its being intimated by the Chamber of Commerce at Copenhagen, that there was no expectation of hostilities with this country, those vessels proceeded to complete their cargoes. Previous, however, to the sailing of the expedition, an order was issued, under which all these vessels were detained, and others brought in, the whole of which he had heard, were since condemned, and had become Droits of Admiralty. The produce of these vessels and cargoes, he had also heard, amounted to nearly two million. If these statements were true, he could not help thinking the circumstances unexampled in the annals of the country. Unless he had further information, he must even believe, that our expedition to Copenhagen caused the war with Denmark, and therefore that the vessels previously detained, ought to have been considered in a different situation from vessels detained in consequence of the previous hostile conduct of the power to which they belonged. He wished to ask the noble secretary of state whether it was true, that the vessels he had alluded to had been condemned in the manner stated, and also, whether the crews were detained as prisoners of war?

Lord *Hawkesbury* stated, that the same course had been adopted with respect to the Danish vessels which were detained on receiving information of the hostile intentions of Denmark, as had been adopted with respect to the vessels of other powers detained under similar circumstances. He thought it necessary also to state, that no assurance of protection was given either directly or indirectly by government to the Danish vessels in our ports, at the period mentioned by the noble viscount.

The Earl of *Lauderdale* observed, that some of these vessels had been previously brought into our ports, having been detained as neutrals under different pretences; and that, in several instances, there were decrees of the court of admiralty in their favour; but, by the Order alluded to by the noble viscount and the subsequent proceedings, all these were also condemned, which formed a peculiar case of hardship upon the individuals whose property was thus taken from them.

Lord *Sidmouth* was not satisfied with the explanation given by the noble secretary, contending, as he did, that the Danish vessels were in a different situation to those of any other power detained previous to hostilities. His noble friend had omitted to answer one of his questions, whether the crews of these vessels were detained as prisoners of war?

Lord *Hawkesbury* contended, that the case of the Danish vessels was the same as those of other vessels detained previous to hostilities. As to the crews, they were, as in other cases, detained prisoners of war, with the exception of some individuals, who had been, under particular circumstances, released. A cartel had been proposed to the Danish government, but had been hitherto declined.

The Earl of *Suffolk* wished to be informed how the money produced by the sale of these vessels and cargoes was to be applied? and whether any account of its application would be made known?

Lord *Hawkesbury* said, the amount had been greatly exaggerated, but whatever it was it would be known.

Lord *Sidmouth* said, he had only stated the amount from report.

HOUSE OF COMMONS.

Monday, March 7.

[Minutes.]—The Speaker acquainted the house that he had received a letter from brigadier-general sir S. Achmuty, dated the 4th inst. in answer to one from him, transmitting the Resolutions of the house of the 16th of April last. He then read the Letter, which contained a brief but neat acknowledgment to the house, for the distinguished honour they had conferred on the general, on brigadier-general Lumley, and on the officers and troops composing the army that attacked Monte Video, all of whom felt highly grateful for this mark of the approbation of their fellow-subjects, thus conveyed to them through the medium of their representatives.—Mr. Simeon brought up the report of the Grampound Election committee, which declared the election for that borough to be null and void.—Mr. Wilberforce brought up the report of the Newcastle-under-Line Election Committee, which stated that the sitting members were duly elected, and that the petition that had been presented against them was not frivolous or vexatious.—Mr. Parnell presented a Petition from the Freeholders of the Queen's County, praying for a Commutation of Tithes. He observed, that the freeholders of that county amounted to 4,000; that this petition expressed the unanimous sense of the county, being no party business whatever; that it was signed by several beneficed clergymen, and that every clergyman with whom he had conversed on the subject, had declared his decided approbation of the object which the petitioners sought. He trusted, therefore, that the petition would meet with that attention from the house to which it was entitled, for he was convinced, that no measure that could be proposed would tend more effectually to allay the discontents in Ireland, than the commutation of the tithes of that country. Under this impression he gave notice, that if his majesty's ministers should not take up this subject, he would, on an early day after the recess, move that that petition be referred to a committee of the whole house: he would delay his motion, because he understood that several other petitions of a similar nature were in preparation, and particularly from some of the Grand Juries.—The Petition was ordered to lie on the table.—On the motion of sir F. Burdett it was ordered, That there be laid before this house, an Account of the total sum issued under Warrants from his majesty, out of the registry of the Court of Admiralty, being proceeds of Droits of Admiralty, or of Droits of the Crown, since the 1st of Jan. 1792, to the latest period to which the same can be made out; and also of the Balance of the Registry, arising from the said Droits.

Mutiny Bill.]—The Mutiny Bill was read a second time, and on the motion, that it be committed to-morrow,

The *Secretary at War* gave notice, that a noble friend of his would to-morrow in the committee move a clause to empower the enlisting men for life.

Sir *John Newport* expressed his surprise, that a measure which was to undo the effect of the whole military system which had obtained the sanction of the legislature, was to be brought forward in the shape of a clause in the committee.

The *Chancellor of the Exchequer* saw nothing improper in the mode in which the alteration proposed was intended to be introduced by his noble friend, for two reasons; in the first place, because there was no other way in which it could be done; and secondly, because the change of system which had been introduced by a right hon. gent. (Mr. Windham) had been done precisely in the same way, namely, in a committee on the Mutiny Bill.

Mr. *Calcraft* contended that it might have been done, if not in a different way, at least at an earlier period, so that the house might have had an opportunity of frequently debating the question.

Mr. *Windham*, who entered the house shortly after, asked, whether it was true, that notice had been given of certain clauses to be inserted in the Mutiny Bill, the effect of which would be to overturn the military system which had been adopted some time ago?—On being answered by the Secretary at War, that some clauses altering the system of recruiting were to be proposed, he gave notice, that he would oppose them in every stage of the bill.

[COMMERCIAL LICENCES.]—Mr. *Horner* rose to move, "That such part of the Papers presented to the house on the 10th and 11th Feb. as related to the Fees and Gratuities paid on Licences for Navigation and Trade, be referred to the Committee on Public Offices." The subject of these Licences resolved itself into two parts. The first, and by far the most important, was the acknowledged anomaly in our commercial system which they had occasioned, and the encroachment which they had made upon the constitution, by placing the whole of the foreign trade of the country under the controul of the executive government, than any interference by whom in commercial affairs all authorities concurred in declaring that nothing could be more prejudicial. But it was not to this great branch of the subject he at present wished to draw the attention of the house: should his majesty's ministers, who, from so many circumstances, must be infinitely better qualified to bring it under the consideration of parliament, neglect to do so, he pledged himself, at some future period of the session, to undertake the task. At present, all he desired was, to investigate the minor branch of it, namely, the amount of the Fees obtained through the medium of the Licences, and the nature of the authority by which those fees were claimed. It appeared to him, that if these licences were considered as generally necessary, it would be much better to come to the legislature, and render the trade, to the carrying on of which they were the sanction, legal for a time to be limited; in imitation of Mr. Pitt in 1798, at whose instigation the importation of Spanish goods was permitted by act of parliament. Adverting to the returns of the fees, gratuities, &c. he observed that they were not quite satisfactory. It was stated in those returns, that the fee for a licence amounted only to 12*l.* 9*s.* 6*d.*; now, he knew that on every licence that had been granted, the fees had exceeded 15*l.* and sometimes 20*l.*; and that where one merchant had obtained licences for several ships, instead of an additional guinea only having been charged for each vessel, as stated in the returns, not less than 65*l.* or 66*l.* had been charged for a licence for six ships.

Mr. *Rose* observed, that so long since as Aug. last, his majesty's ministers had instituted an inquiry into this subject, and that some weeks ago the privy council finding the amount of the fees to be so considerable, had taken the matter into serious consideration, and had entered into a strict investigation of it. Before the reference of the subject to the Committee of Finance, he thought it would be most desirable to have before the house proceedings of the privy council, and he therefore recommended to the hon. gent. to postpone his motion for a short time, in order to give an opportunity in a few days of moving an address to his majesty for the production of the proceedings of the privy council. Nothing could be further from his wish, than to suppress enquiry on this subject, which, on the contrary, he was desirous should be thoroughly sifted.

The *Advocate General* remarked, that the ground on which these licenses had been granted, was, not for the purpose of placing foreign trade under the controul of the executive, but to permit British subjects to trade with the enemy. In 1805, a General Order in Council had been issued, to enable British merchants to trade with the enemy, in certain articles of great importance to agriculture and to manufactures. In Feb. 1807, an extension of that Order had been made; but the merchants had nevertheless continued voluntarily to take out licenses, although they had been repeatedly told that they were unnecessary.—After some further conversation, Mr. Horner agreed to postpone his motion.

[ORDERS IN COUNCIL BILL.]—The Chancellor of the Exchequer moved the farther consideration of the report of the Orders in Council bill.—On the motion that the Bill be engrossed, a short conversation took place between Mr. Ponsonby, the Chancellor of the Exchequer, and lord H. Petty, relative to the provision for bringing neutral vessels, having East India articles on board, to the port of London, instead of allowing them to land their cargoes, and to export from the most convenient out-ports. The Chancellor of the Exchequer stated the meaning to be that, when American vessels, for instance, contained a portion of tea, &c. amounting to one fourth of the cargoes, then the whole cargo must come to London; when the portion should be less, then only the particular portion should be required to be brought to this port. This not being perfectly satisfactory, notice was given by lord H. Petty that some amendment should be proposed on the third reading.

Mr. *A. Baring* asked whether the duties imposed upon the exportation of neutral property were to extend to the article of fish?

The *Chancellor of the Exchequer* answered, that they were, and contended that it would deserve serious consideration before such encouragement should be given to the neutral fisheries in preference to our own.

Mr. *A. Baring* replied, that this measure would go near to ruin our own Newfoundland Fishery, for a great part of the fish caught there was sent to America, and from thence carried to Spain and Portugal. This was the only channel by which it could now be sent, and it would be scarcely possible to exempt our own fish from the duties, without also exempting that of America.

Sir *J. Newport* said, that every step in the progress of this measure demonstrated, that it would have been better if the Liverpool Petitioners had been heard at the bar; for it clearly appeared, that there were many points of which ministers themselves had not been able to perceive the consequences. They had not clearly understood the value of American neutrality, even as to our own fisheries; and yet they had the good fortune to persuade the house, to shut out the commercial subjects of the kingdom from being heard. He had once thought this measure quite original, but lately he had found a precedent for it. One of the West India islands had been in want of provisions, and only one person had any to dispose of. That person had another article for which he could get no sale; but he told the inhabitants that they must have the other article, or they should have no provisions. By this expedient he got rid of his grindstones, and was, all his life after, called 'Grindstone Lynch.' He stated, that of the primum for the linen manufacture of Ireland, 4-5ths came from America; and adverted to the danger that would result from the stoppage of this supply. The interests of Ireland ought the more to be considered on this occasion, because the linen manufacture had been forced on her instead of the woollen, for which she had the primum. He also adverted to the consequences to our silk manufacture here. Of the primum for this there was not in the country more than six weeks supply, and at the end of that period 60,000 men might be driven out of employment.

The *Chancellor of the Exchequer* replied, that the inconvenience with respect to Ireland existed from the American embargo, and did not arise from the Orders in Council. As to silk, part of that was brought from the Mediterranean and the East Indies. The Italian silk was excluded, not by the Orders in Council, but by the French decrees. The only effect of these observations would be to apprize America of the injury she could do us by holding out.

Mr. *Ponsonby* admired the candour of the right hon. gent. Did he think the Americans ignorant of the amount of their supplies to Ireland? Did they sell them for nothing? Or did they throw the flax-seed into the sea, and leave it to float from America to the Irish coast? As to the embargo, his right hon. friend's argument went to this, that by our measures we should induce the Americans to continue it; and as to the article of silk, he knew that it was prohibited by the French decrees; but the complaint was that these Orders had locked up the continental ports still faster, and finished what Buonaparte had left undone.—The Bill was then ordered to be read a third time on Thursday.

HOUSE OF LORDS.

Tuesday, March 8.

American Treaty.] Lord *Grenville* rose to put a question to the noble secretary of state, before the house entered on the important discussion which was this night to engage their attention, respecting a topic which of late had been alluded to in the course of debate. The subject to which he referred was the assertion made by the noble secretary, most assuredly with no design to mislead, that the Treaty signed with America by the late administration had been received in America previous to the separation of congress; and that the treaty was refused to be ratified, and was sent back by the president of the United States. Now, he believed he might safely venture to assert, that neither of these assertions was founded in fact; and if the noble secretary had advanced any such assertions without due consideration, he was convinced that his usual candour would incline him to acknowledge the inadvertence. This, in his mind, was a topic that could not be too much insisted upon, and which was likely soon to come before their lordships in a variety of shapes. Not only, he believed, the Treaty in question had not been received in America before congress separated; but that might very well be the reason why it was supposed the president had refused to ratify, and why a number of insinuations were studiously sent abroad of the predetermined hostile disposition on the part of America. But it was not in America only that such notions were propagated. Every thing here seemed anxiously to be seized that could stir up a spirit of animosity against America, and prepare the public mind for hostilities with that country, than which there was nothing he felt more disposed to deprecate.

Lord *Hawkesbury* was not aware that any thing which had fallen from him on any former occasion, could be so interpreted; and he was desirous to rectify any error or mistake into which he may have fallen upon this subject. To the best of his recollection, what he had before stated on this point, in answer to a question put to him, was this: that an official copy of the Treaty, together with a dispatch from the noble secretary of state (lord Howick), had been received in America antecedent to the separation of Congress; that is to say, it was received by the British minister at Washington on the 2d of March, and the congress, he believed, separated on the 3d; that immediately upon the receipt of it, Mr. Erskine communicated it to Mr. Maddison, who communicated it to the President that the report of the arrival of the Treaty had very generally gone abroad, and in consequence of that report the senate sent a message to the president, expressing a wish to know if it was his intention to make any communication to them previous to their separation: that the answer of the president was in the negative; and that it was generally understood the president was displeased with the omission of the article respecting the question of the impress of seamen; and that, on account of that omission, he had refused to ratify the treaty. This was the sum of what he had before stated on this subject, and he was now ready to repeat it.

Lord *Auckland* thought this a matter of such importance, that it could not be too fully discussed and understood. He contended the Treaty was still in America, and that the president betrayed no other wish than to continue and follow up the treaty until it was brought to an amicable conclusion. As to the marginal notes which accompanied the copy of the Treaty, they were not notes added by the American government as the ground of a new treaty, but merely an indication of the points upon which it was desired to have further discussion and information.

Lord *Hawkesbury* stated, that the official copy arrived on the 2d of March, and the senate separated on the 3d. As to the marginal notes, they had been presented to the house in the same shape in which they had been received from the American ministers here.

Some further conversation ensued upon this subject, in which lord Grenville urged the want of conciliation on the part of ministers towards America; and contended, that the president could not take the opinion of the senate until he had received the treaty itself. Lord Hawkesbury contended that he might have kept the senate sitting or adjourned it only for a short period. This was admitted by lord Holland, who, however, contended that the president adopted the most conciliatory course in suffering the senate to separate, and in the mean time endeavouring to renew the negociations.

[ORDERS IN COUNCIL.] Lord *Erskine* rose and spoke nearly as follows:—My lords; the Resolutions, which I had the honour on a former day to read in my place to the house, and which I am presently about to propose to your lordships to adopt, involve a higher and more extensive consideration than even the justice and effect of the late Orders in Council, as they regard the United States of America, momentous as that consideration undoubtedly is. They involve no less a question, (I speak most advisedly when I say it,)—they involve no less a question, than the very existence of that whole system of conventional public law, which has contributed so much to advance the civilization, and to secure the happiness of the world. They involve no less a question, than whether the tyranny of revolutionary France shall terminate its destructive career in the temporary sufferings of the nations now subject to its dominion; whether it shall exhaust its force upon the persons and properties of the present generation in the temporary exactions of conquest; or, whether that dominion shall extend itself over the human mind in all countries and in all ages; whether it shall repeal and trample in the dust all the sanctions of morals and policy, which the wisdom of ages has ripened into universal law, for universal security and peace.—G. Britain alone can answer this question for the world: she alone can pronounce, whether the injustice of France shall be received as a warrant for universal injustice, or whether, standing as we do, upon this proud eminence, surrounded by that impregnable moat with which the Divine Providence has fortified this island, we can say, as the instrument of that providence, to the portentuous evils which so remarkably characterize this unexampled period, 'Thus far shall ye advance, and no farther.'—My lords, although this momentuous subject has been repeatedly, and in various shapes, presented for your consideration, I am sorry to be obliged to observe, that it has not as yet been received by his majesty's ministers in such a manner, as either the house or the public, but, above all, as other nations, had a right to expect from a British parliament. The breach of the law of nations by ministers has been put aside by irrelevant recriminations upon supposed breaches of the same law by others; and the facts, from the establishment of which the legal argument could alone be brought to a decision, have been put aside by the previous question.—It has therefore been thought right to prepare the Resolutions, which I am presently to propose to you, and to frame them in such a manner as to embrace the whole subject: they therefore declare the right of neutral nations to the commerce secured to them by the general law of the civilized world, and by the particular laws and statutes of this realm; they deny the legality of the Order in Council of the 11th of Nov. and the others dependent upon it, as being a gross violation of both, and they maintain these propositions, not in loose and general terms, so as to lead again to the shelter of a desultory debate, but, in language most technically precise, they point out the law as it exists, and mark all the departures from it which they condemn.—When the matter is therefore brought to this direct issue—i. e. whether the late Orders in Council are justified by, or contrary to, the law of nations, and the law of the land, and when, as a peer of the realm, I arraign them in this great public council as a violation of both, can it possibly be any answer to such charges, that a former administration of the king's government was guilty of a similar violation? Can we, sitting here as statesmen representing the whole British people, so abuse their interests and insult their feelings in such distressing and perilous times?—If, indeed, the breach of the law had been established or admitted, and the question before us were the degree of blame imputable to ministers for having so mistaken the public interests and the law, it might deserve consideration whether they had been led into such error by the conduct of their predecessors, and the faith reposed in their administration. But when the question is thus brought to a precise legal issue, in which ministers and their predecessors are not the contending parties: but where the rights of the whole British empire, and of all nations, are to be settled by parliament, every man, I should think, must admit how inadmissible, or rather how perfectly frivolous, such an argument must be. If, for instance, the question were, what punishment I, who have the honour of addressing your lordships, should receive from a court of justice, whose judgment was discretionary, for an offence against the law, of which I had been convicted, every topic would undoubtedly be relevant to shew that my mind was innocent, and that I had offended from ignorance of my duty: but if the question only were, whether the law had or had not been broken, would it be relevant that I had taken the advice of the ablest counsel, who had misled me, or that I had even relied upon a judicial decision, which had afterwards been determined to be erroneous? I must therefore earnestly entreat your lordships to entertain the question like statesmen, in a case where the interests of your country and of the world are so deeply involved in the decision. If the Resolutions, which I am about to submit to your lordships, are unfounded or erroneous, I shall most humbly and sincerely defer to the judgment of the house which rejects them; but if, as formerly, you fly altogether from the question, I shall then say, and the world will say with me, that no answer could be given to them.—I should enter upon the subject, my lords, with no satisfaction, if I believed the evils of these Orders in Council to be irretrievable. I hope it is not my temper to be malignant; I think, indeed, that if I were accused before your lordships of any act, which could only be ascribed to such a base and unworthy disposition, you would not very willingly condemn me. What satisfaction could I have in merely making out, that several noble persons had involved their country in difficulties that were irrecoverable? What satisfaction could I have in wounding and alienating the minds of those, whom upon other accounts I esteem, and whose regard I must wish to cultivate in private life? My lords, I disavow most solemnly any such motive or purpose: I am convinced that it is not too late to retrace the false steps that have been taken; and if it can be shewn, by any proceeding directed to such object, that the late ministers have also violated the law of nations, do not let the one breach of them be justified by the other: speaking for all my colleagues who surround me, as well as for myself, I say, if that case can be established, we must retrace our steps together. Let us concur, my lords, in serving—serving do I say! let us concur in saving our country.—My lords, the two first Resolutions, which I shall now read, I may assume without detaining the house by any argument upon the subject, because my noble and learned friend upon the woolsack distinctly disclaimed on a former occasion (I was quite sure that he would), all intention of arguing for any power in the crown, to suspend or dispense with the laws, or of justifying, upon any such principle, the advice of the privy council, by which the Orders complained of were issued.—This we had not forgotten, when the two Resolutions were first drawn up; but it was thought necessary, nevertheless, that they should stand upon the paper, and have precedence of the others; because, as your lordships will presently see, the Resolutions have a dependence upon one another, and we begin with a declaration against the dispensing and suspending powers of the crown, dead and buried as they were at the revolution, because we affirm that his majesty's ministers have nevertheless advised the king to assume them, and that the Orders in Council are a positive and dangerous assumption of it.—The first Resolution declares, "That the power of making laws to bind the people of this realm is exclusively vested in his majesty by and with the advice and consent of the lords spiritual and temporal, and commons of the realm, in parliament assembled; and that every attempt to make, alter, suspend, or repeal such laws, by order of his majesty in his privy council, or in any other manner, than by his majesty in parliament, is unconstitutional and illegal."—The second Resolution declares, "That the advising his majesty to issue any Order in Council, for dispensing with, or suspending, any of the laws of this realm, is a high violation of the fundamental laws and constitution thereof. That the same cannot in any case be justified, but by some unforeseen and urgent necessity endangering the public safety. And that in every such case it is the duty of his majesty's ministers to advise his majesty, after issuing such order, forthwith to assemble his parliament, in order both that the necessity of such proceeding may be inquired of and determined; and that due provision may be made for the public safety, by the authority of his majesty in parliament."—My lords, the sound policy of the constitution, asserted in the last member of this Resolution, was, perhaps, never so strikingly illustrated as upon the present occasion. His majesty's ministers, though placed in a conjuncture which they themselves admit to have been wholly without example; though they were engaging in a proceeding for which, of course, they had neither precedent nor analogy to direct them; though, from the measure they were adopting, not only our commerce was to suffer a sudden and universal revolution, but, from its probable reception by America, we were to risque the alliance of a powerful and numerous people, and thereby complete the combination of the whole world against our country: yet they not only did not call parliament together for its counsel, on an occasion so new and so difficult, but even prevented it from assembling, by repeated prorogations. Was parliament thus repeatedly prorogued because the measure was within the king's power, and because they had so considered it in all its bearings that the assistance of parliament was unnecessary? My lords, it was a manifest extension of the king's power, as I shall soon demonstrate to your lordships; and had it even been clearly within it, the subject was not only too complicated for the private councils of the crown, but ministers had not at all considered even its certain consequences and effects, nor was the subject indeed within the reach of the most enlightened statesman, without the aids which committees of parliament could have furnished:—the truth of this observation is best supported by the fact. They issued the first Order, though it was to have its operation upon distant nations, without the notices which, in less than a week afterwards, they acknowledged to have been indispensible; and they suffered it to find its way, in the gazettes, in that unjust and imperfect state, to every port in America. They were then surrounded by the merchants of London (I wish the siege had been continued), and were obliged to issue new Orders, which were styled Supplemental, but which were manifestly repugnant and inconsistent: these were afterwards illustrated by explanations, which, in their turn, required explanation; and when parliament was, at last, permitted to assemble, after so many public marks of rashness and precipitation, ministers have been obliged, day after day, to abandon some of the most essential parts of their system, after they had but too probably increased the irritation which they were at that very moment endeavouring, by public embassy, to compose.—My lords, if parliament had been assembled, how different might have been our present situation. Ministers would then have had only to propose their system, without being committed to it, and, perhaps, fatally committed to other nations. The most eminent merchants would then have furnished independent lights to the committees of parliament, and the councils of the country would then have been governed by the public results of those communications, instead of depending, as I fear they have, upon the flatteries and deceptions of the interested and the ignorant.—But, my lords, the worst is still behind. Ministers, instead of asking indemnity for these illegal acts, upon the footing of their necessity and justice, make them the foundation of an act of parliament, which we may expect soon to be called upon to consent to. For my own part, my lords, I would rather cast into the fire the patent which entitles me to sit among your lordships, than give my consent to any statute, even though I approved of its provisions, if I saw upon the face of it a distinct assumption of the dispensing power of the crown, not even assumed to be justified under the necessity of the case, but recited on the face of the act as a legal proceeding, requiring only the aid of parliament to give effect to additional enactments of revenue. If this should grow up into a practice, what have we gained by the revolution? No man, my lords, can be a greater enthusiast than I am upon every thing connected with that glorious æra, nor more attached to the establishment of his majesty's illustrious family, which stands for its support upon the principles which placed it on the throne; an attachment which I feel the stronger, from an affection for their persons; (for the illustrious person, among the rest, who sits so very near me). But, my lords, I had much rather that king William had never set his foot in England, than that the dispensing and suspending powers should lose all their former terrors, and that ministers should be permitted to trample upon the laws at their pleasure, without even the shadow of public necessity, without even the trouble of considering whether they were breaking them or no; and that it should become a mere matter of course, without even the form of an indemnity, to recite their usurpations upon the face of our statutes, eking out their measures, through the forms of parliament, just at any point they may choose, in their moderation, to stop at, in their fearless encroachments on the constitution. My lords, I would rather have an arbitrary king, with a jealous and a free parliament, than see such an habitual departure from all the securities which have characterised for ages the government of our country.—My lords, I will now read the third Resolution, which brings us to the great subject of deliberation.—"That the law of nations is a part of the law of the land, and that neutral nations, not interposing in the war between his majesty and his enemies, have a legal right to such freedom of commerce and navigation, as is secured to them by the law of nations."—This Resolution I might also assume without argument, because the law and practice of nations, as they regard the commerce of neutrals in ordinary wars, have been repeatedly and distinctly admitted by the authors of the Orders in question, who have justified them only by the necessity of the extraordinary conjuncture. But as a kind of distinction appeared to me to have been taken the other night between the law of nations and the practice of nations, which last I consider to be but the evidence of the former, though probably this distinction exists only in my misapprehension of what was said, I think it my duty to state not only the rights of neutrals, as they are secured by the law of nations, but also the foundation of the law itself which secures them; because this course of pursuing the subject will enable me to establish a principle which will protect the whole argument we are engaged in, that the law of nations, whatever its provisions shall be found to be, as applicable to the subject before us, cannot, when once settled, be altered or dispensed with by any particular state. In addressing ourselves to this great question, let it be remembered, first of all, because it will greatly shorten the discussion, that the law of nations, as it applies to the matter before us, grows entirely out of war: that it can have no existence but in consequence of war, nor any possible application but to a state of war, and, therefore, to say that by a war prerogative in the constitution of any particular government, its executive power, being no more than a branch of that government and without legislative authority (if legislation itself could reach it), to say that its executive power becomes absolute over the rights of neutrals, and may, during war, disregard that conventional law established amongst nations only as a rule during war, would be not only not sound reasoning, but downright vulgar nonsense.—The law of nations, as it regards this subject, is shortly and simply this—That to mitigate as much as possible the calamities and sufferings of warfare, and to confine them to powers belligerent, nations have found it convenient mutually to adopt certain principles, which, like the common law of our own country, have become fixed and settled by usage, confirmed by precedents, and illustrated by the writings of learned men. These principles have also been adverted to, and ratified by treaties between civilized nations in all ages, and it seems admitted to me that this public law, (but for the conjuncture under which the late Orders in Council are sought to be justified,) establishes that countries not engaged in war, nor interposing in it, shall not be affected by the differences of contending nations: but, to use the very words of the eminent judge who now presides with so much learning in the Court of Admiralty, "upon the breaking out of a war," I read from the first volume of Dr. Robinson's Reports, "it is the right of neutrals to carry on their accustomed trade, with an exception of the particular cases of a trade to blockaded places, or in contraband articles, and of their ships being liable to visitation and search." The learned judge afterwards explains the meaning of an accustomed trade in the most correct and satisfactory manner, and which will be found hereafter to be a most material explanation. After stating the inconveniences which war brings upon neutrals, under the most impartial administration of the public law, he remarks, that still the inconveniences are more than fully balanced by the enlargement of their commerce; "because, from the interruption to the trade of belligerents, it falls in some degree into the lap of neutrals." He says also, that though a neutral has a right to carry on in time of war his accustomed trade, "yet he is not to enlarge it by carrying on a trade which he holds by no use or habit in time of peace." Subject, then, to these exceptions, the commerce of neutral nations stands upon this high and most modern authority in our own country, in the midst of the war with revolutionary France, untouched by the contentions, or particular interests, or conveniences of belligerent powers.—I am ready, however, to admit that this is only the ordinary condition of neutrals, whilst belligerents observe the law of nations towards one another. I admit that a different state of things may arise, concerning which, however, the public law is not silent, but observes the same principles of reason and justice. It is better at once to state the very case which produces the whole controversy, rather than imagine others, the application of which may be disputed.—France issued her decree of the 21st of Nov. 1806, which (taking it, for the present, in its severest interpretation, untouched by any subsequent constructions), announced a resolution to distress this country in a manner unauthorized by public law; subjecting to capture the ships and cargoes of neutrals carrying British commodities and manufactures, or going to, or coming from G. Britain, with their accustomed trade. Such a decree undoubtedly announced a rule which the law of nations forbids, as being, even as between belligerents, (independently of the rights of neutrals) an aggravation of the sufferings of war which humanity and wise policy equally forbid, and which is, therefore, unauthorised by the practice of civilized states; such a decree (if carried into execution) would invest the belligerent with a right of retaliation; and, indeed, as between the belligerents only, I am not at all anxious to dispute whether the very publication of such an unjust ordinance would not authorize the belligerent, so offended, to disregard the law of nations towards the adversary as far as it touched him only: but it would be an utter perversion of the very term retaliation, to carry it a hair's breadth further, until some act was done under the decree, as against a neutral, by which the wrong done to, and suffered by, the neutral, became injurious in its effect to the offended belligerent.—It is, indeed, quite astonishing to hear the word 'retaliation' twisted and perverted in a manner equally repugnant to grammar and common sense. Retaliation, in the strict, and literal, interpretation of the word, from *re* and *talio*, as you have it in all your dictionaries, signifies to return *like for like*. Therefore, but for the particularity of the case, the term retaliation could apply only to the return of like for like upon the enemy who committed the injurious act: by like for like, I do not mean that the act of retaliation, as against the enemy, must be the same as the enemy's, which would be quibbling with the subject; because, as against him who injures me, I may return whatever is necessary to repel the injury suffered, and to secure me against its consequences. It was never, therefore, contended, as was lately supposed by a noble lord, that if an enemy violated a neutral territory in the prosecution of his hostility, the other belligerent could only follow him as if he were hunting him upon the scent: certainly not.—There the neutral, from wrong or from weakness, is made the direct instrument of attack, and he is bound to give me not merely the same path through his territory, thus violated, but any path which will best enable me to avert the danger arising from the former violation. —All that argument, therefore, is wholly beside the question, and tends only to confound it. So if A strikes me, I may retaliate by striking A; and my noble and learned friend, who sits near me, knows that the law does not restrict my blow to the weight of the adversary's, but allows me to justify whatever is necessary to repel it, and to save me harmless. But it is a new application of the term retaliation, that if A strikes me, I may retaliate by striking B. Here the phrase cannot apply, either in grammar, common sense, or justice; unless B can some how or other be justly implicated in the offence committed upon me by A: the thing is really so self-evident, that the mind gets entangled and darkened by endeavouring to make it plainer.—If the Decree, interdicting neutrals from trading with us, or visiting our ports, is executed upon a neutral, it is an interdiction which he has no right to submit to, because the moment it is executed we are injured by the interruption of his commerce with us. If he submits from favour to the unjust belligerent, he directly interposes in the war, and the neutral character is at an end; retaliation then would not only be strictly applicable, but just and legal, and if he submits from weakness, or from any other cause not hostile or fraudulent, we have an unquestionable right, without any invasion of neutrality, to insist, that what he suffers from the enemy he shall consent to suffer from us, otherwise he would keep an open trade with the enemy at our expence, relieving him from the pressure of the war, and becoming an instrument of its illegal pressure upon us. In that case also the term retaliation, though not applicable perhaps in literal strictness, as it applies to the neutral, is substantially and justly applicable to him; because it is in fact retaliation upon the enemy, through the sides of the neutral, in a case where the injury to us cannot exist without the participation of the neutral, in doing or suffering, by either of which our commerce is alike interrupted. But I cannot, my lords, conceive any thing more preposterous and senseless, than the idea of retaliation upon a neutral on whom the decree has never been executed, because it is only by its execution on him, that we can be injured: what possible right then can we have to complain of, or to take any step against a neutral, who, in no shape whatever, has been made an instrument of injustice by the enemy? What right can we possibly have, to interdict his legal trade with the enemy, when, notwithstanding the decree complained of, we have continued in the undisturbed enjoyment of the whole trade of the neutral, just the same as if the decree had never existed? How can we possibly retaliate upon a neutral who has done nothing and suffered nothing, although it is only by his doing or suffering that we can, by any possibility, be sufferers.—But it has been said here formerly, (I do not mean to be irregular by alluding to the argument of any lord in particular in a former debate,) were we to wait three months, till we could learn from America, her dispositions and intentions? Were we to wait three months more if they were doubtful? and, perhaps, three months afterwards, till they were ascertained and acted upon? Certainly not, my lords; no, nor an hour after France had acted upon the Decree by condemnations in her prize courts, if America, cognizant of such condemnations, had submitted to the decisions, and, with the consent of her government, continued her commerce with France, as with a friendly nation. I should have considered that as full evidence of acquiescence; but, my lords, the term acquiescence, as applied to America, like that of retaliation, appears to me to be wholly unintelligible, until some act was done by France, under her decree, above all after the answer given to gen. Armstrong's demand of explanation; for how can America be said to have acquiesced in the interruption of her commerce, if in no one instance her commerce had been interrupted? The language of the Decree undoubtedly would comprehend the interruption of her commerce, because the British isles were declared to be in a state of blockade; but the decree was general, and America had a treaty with France—the explanation, therefore, to gen. Armstrong, that it was not intended to interfere with the relations of the treaty, might be consistent with the largest interpretation of the Decree. If any of your lordships (for instance) were to give a public notice, that all who entered your grounds should be considered as wilful trespassers, it could hardly be taken to apply to those who by your permission had keys of your park.—But, I am willing, my lords, for the present, to leave M. Dècres's explanation wholly out of the question, and to stand altogether upon the non-execution of the Decree, in order to examine the foundation of those dreadful consequences, which, it seems, must instantly have fallen upon us, if we had waited for its execution, and the acquiescence of America.—The Berlin Decree, of the 21st Nov. 1806, had been issued nearly 12 months before ministers were driven to the irresistible necessity of counteracting it. Let us examine, therefore, what had been the condition of intolerable sufferings in that long and painful interval. My noble friend, who sits at the end of the bench behind me, (lord Auckland,) laid before the house, a short time ago, the melancholy detail of them.—You had, up to the very 11th of Nov. (the Papers are on the table), a revenue, not only untouched by the ordinary calamities of war, and the extraordinary machinations of France to destroy it, but full and overflowing in every department, beyond the prosperity of any former time. As to our commerce with America, my lords, the air was white with her sails, and the sea was pressed down with her shipping, nearly half as numerous as our own, bringing her produce into every port of England, and carrying our commodities and manufactures into every corner of Europe.—Up to the very date of your Orders in Council she continued to take, without the least defalcation, ten millions of your manufactures; and she enabled herself to pay for them by selling to other nations what was beyond her own consumption. She carried on this traffic in the face of the French Decree of the 21st of Nov. when you could not do it for yourselves. She did this, I allow, not as a perilous adventure from friendship to you, but from the grand principle of human action—to serve herself. Providence has so contrived the structure of the world, that, by a wise pursuit of self-interest, every thing is full and stands in its proper place.—You had so far the start of all nations, that you had only to be quiet, and suffer things to take their course: every advantage flowed into your lap. America, as I have said, continued to smuggle your goods into France, for her own interest, and France contrived to buy them for her's. The people huzzaed their emperor in the Thuilleries every day, but they broke his laws every night. This was our condition before the 11th of Nov. England had the trade of the whole world, whilst France had only an empty libel upon the law of nations stuck up on the p——g posts in Paris.—This vigorous state of health, which continued up to the 11th of Nov. his majesty's ministers unfortunately mistook for plethora or dropsy, and they began stabbing themselves instead of consulting their physician. At that period not a complaint was to be heard throughout England, except such as every war must inevitably produce. I believe, indeed, that out of Doctors' Commons the existence of the Decree of the 21st of Nov. was scarcely known or heard of. But how is it now, in consequence of your attempt to counteract what never had been in action? Even already you are beginning to be surrounded by the cries of distress and discontent in every quarter. My lords, the cause is most obvious. France had not the means of giving effect to her Decree, even if her policy would have permitted her to enforce it. She had no ships to turn American navigation out of its course, till, in an evil hour, G. Britain stepped in to help her. Strange as it may appear, my lords, you are employing your shipping to stop your own trade upon the seas; you are making prisons of your free ports, to frighten away the only remaining neutral from entering them; and playing the very game of France, by throwing America into her arms against yourselves, when she would soon have been provoked to fight by your side if her commerce with this country had been interrupted. And this, it seems, is retaliation!—My lords, the blunder of this proceeding, putting the law and justice of it wholly out of the question, so strongly reminds me of a curious instance of retaliation, which was lately resorted to in Ireland, that I cannot help mentioning it to your lordships. Nothing is further from my mind than any national reflection: no man indeed admires more than I do the character of the Irish; they are a noble and a generous people, and most remarkable for their spirit and genius. It is that *vis animæ* perhaps which is supposed now and then, amongst the uneducated vulgar, to interfere with that precision which is the characteristic of colder habits. — An Irish banker, my lords, remarkable for his zeal as a magistrate in suppressing insurrections, having become obnoxious to a gang of robbers in his neighbourhood, they formed a combination to ruin him; and the method proposed by these clear-headed people was to burn all his notes wherever they could find them: for this purpose, they beset the houses of many of his customers, and having committed some thousands of these notes to the flames, assembled to rejoice over the vengeance they had taken upon the banker. The account of their vengeance was easily to be cast up by every body but themselves. The banker of course was just the gainer by every note that was burned. I laughed heartily, my lords, in the summer, when I heard this story; but, upon telling it again since last Nov. every body looked grave, and scarcely could find out any joke. Your Orders in Council, my lords, had put it in the shade.—How very different, my lords, was the conduct of Mr. Pitt, whose example I should have thought would have been looked up to. A similar Decree had been issued by France in 1798; and it is but common justice to that great minister that I should say, though differing from him as to the policy of the war, that his superior sagacity passed it over altogether as beneath the notice of a British statesman. Perhaps, my lords, I ought to extend that justice to his majesty's ministers also, since they are generally believed to have taken no very active part in the Orders now under consideration, which are supposed to have originated with a person for whom I have a very great regard, and whose talents are unquestionable; but whose experience on such a subject may be questioned; even with all the assistance of an ingenious theorist who, though an able lawyer, and a very amiable man, I should not have been disposed to follow in so doubtful and dangerous a course.—To say the truth, my lords, a proceeding of this nature and extent ought to have been the work of many minds, and of minds constantly engaged in the affairs of practical commerce. I have myself lived amongst merchants, and have been engaged in more commercial causes and affairs than any man (not a merchant) that ever existed, unless I were to except my noble and learned friend near me, (Lord Ellenborough) whose life has been much the same as my own; but St. Luke's would, nevertheless, have been thought a very convenient place of retirement for me, if I had ventured upon such a piece of conveyancing as the Orders we are engaged in.—But, my lords, I feel that I have been wasting your time in thus combating by argument what I had a right to consider as admitted, since it is only of late, and under the pressure of the debates, that his majesty's ministers have fled from the spirit and even from the letter of their own Orders, and insisted upon their justice even before execution and acquiescence; because the Orders themselves are expressly founded upon the assumption of both.—'Whereas certain Orders, establishing an unprecedented system of warfare against this kingdom, and aimed especially at the destruction of its commerce and resources, were some time since issued by the government of France, &c. &c.'—'And whereas the nations in alliance with France, and under her controul, were required to give, and have given, and do give, effect to such orders: and whereas his majesty's Order of the 7th of Jan. last has not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation, but on the contrary, the same have been recently enforced with increased rigour: and whereas his majesty, under these circumstances, finds himself compelled to take further measures for asserting, and vindicating his just rights, &c. &c.'—This Order therefore, after reciting the injurious Decree of France, does not proceed upon its mere publication as a justification for retaliation. No. It asserts, on the contrary, that the Decree of France had been recently enforced with encreased rigour. [Lord E. was here told across the house that the words were 'encreasing rigour'] My lords, the participle present or past can make no possible difference. This assertion bound the authors of the order to three distinct and most important facts. First, that the French Decree had been executed at all, without which the rest of the sentence falls to the ground as impossible. 2nd. That it had been executed with rigour; and, thirdly, with encreasing rigour, which expresses not merely an act of rigour, but a system of it.—My lords, this part of the Order cannot possibly be rejected or put aside, because it is the very foundation of it, since it goes on to say that under these circumstances his majesty had found himself compelled to act. What circumstances? Is it possible to reject the main and even the last antecedent, to wit, the execution of the decree with 'encreasing rigour?' whereas, I am prepared to shew your lordships (as it has indeed been repeatedly shewn already) that, at the date of the Order in Council, the French Decree had not been executed at all; that the recital, therefore, is false, and that, for any thing that appears to us, ministers knew it to be false, when they made it the preamble to justify the enacting part of the Order: nay more, my lords, that they knew also the United States had not acquiesced even in the publication of the Decree; but, on the contrary, had made a just and successful remonstrance against its application to America.—My lords, this most important part of the subject was treated the other night with such irresistible force and eloquence by my friend the noble earl (Grey) who sits near me at the table, that it is with great reluctance I meddle with it at all. My noble friend, not indeed upon his defence, except to rescue his colleagues and himself from the praises bestowed upon them for principles they disavowed, and upon the assumption of facts which they never acted on, has rendered the task not only unnecessary but painful. A few dates and sentences however will be sufficient to dispose for ever of this part of the subject. The papers on the table have been transposed in the printing, but I have put them together, for my own use, in their natural order, to prevent confusion in referring to them.—The first is the Note of the British commissioners, lords Holland and Auckland, to the American ministers, dated the 31st of Dec. 1806. By that paper, although the Decree of the 21st of Nov. had been published above a month, they repel with indignation, in the name of his majesty, the very idea of a constructive blockade, which France endeavoured to consider as an act of retaliation on this country. They express themselves thus: 'And with regard to the only specific charge, it is notorious that his majesty has never declared any ports to be in a state of blockade without allotting to that object a force sufficient to make entrance into them manifestly dangerous. Such principles are in themselves extravagant, and repugnant to the law of nations; and the pretensions founded upon them, though professedly directed solely against G. Britain, tend to alter the practice of war amongst civilized nations, and utterly to subvert the rights and independence of neutral powers.'—Let us now see whether it ever occurred to these noble lords, when they were composing this excellent paper, that G. Britain could retaliate on America upon the bare publication of this Decree, or that they considered it to have been executed or acquiesced in by America: on the contrary, they go on to say—'The 'undersigned cannot, therefore, believe that 'the enemy will ever seriously attempt to 'enforce such a system: if he should, 'they are confident that the good sense of 'the American government will perceive 'the fatal consequences of such pretensions 'to its neutral commerce, and that its spirit and regard to national honour will 'prevent its acquiescence in such palpable 'violations, &c. If, however, the enemy 'should carry these threats into execution, 'and if neutral nations should, contrary 'to all expectation, acquiesce in such 'usurpations, his majesty might, probably, 'be compelled to retaliate in his just defence, and to adopt towards the commerce 'of neutral nations with his enemies, the 'same measures which those nations have 'permitted to be enforced against the commerce of his subjects.'—Now, my lords, I appeal to the common sense of any man acquainted with the English language, whether it is possible for words to express more positively and unequivocally retaliation, in our sense of it. So far from considering the Decree as executed or acquiesced under, the noble Commissioners say they did not believe it would ever be executed, but that if it was, they were confident it would not be acquiesced in by America: but if, contrary to expectation, she should permit it to be enforced against their commerce with G. Britain, then his majesty might, probably, be obliged to do that which we are all agreed would, in that case, have been just and legal.—My lords, though my two noble friends held the official pen in the composition of this friendly notice to America, yet your lordships cannot suppose it could have accompanied the treaty without the full approbation of his majesty's late ministers, and especially of my noble friend at the table, whose particular department was so immediately connected with it: and yet my noble friend is supposed, within a short week afterwards, to have forgotten every part of this paper, and to have acted on a principle directly repugnant to it, by issuing the Order of the 7th of Jan. 1807. But why do I say my noble friend, since the issuing of that Order was also the act of the cabinet, who had only a week before approved of the Note of the 31st of Dec.?—My lords, the Order of the 7th of Jan. is so far from being repugnant to the Note of the 31st of Dec. that its preface, as it regards the principle of blockade, is the same in *totidem verbis*: for, after reprobating the illegal blockade by France, and asserting a right of retaliation on France by an actual blockade, carefully expressing the most technically legal definition of it; a blockade which, it is admitted, on all hands, neutrals were bound to submit to: it states the unwillingness in his majesty to resort to that interruption of accustomed neutral commerce, and then goes on to prohibit only the coasting trade in the manner so repeatedly stated and commented on.—Now, my lords, here was no new principle of blockade professed, but the new principle asserted by France was, on the contrary, reprobated; and, if the enacting part went beyond the just principle of the law of nations meant to be adhered to, that could only be a wrong act, as being inconsistent with our own avowed principles, and to be adjusted between us and America, when complained of, but by no means the assertion of a principle totally new. It was in application to this part of the subject, my lords, that I introduced Sir W. Scott's definition of 'accustomed' trade. It is, perhaps, true, that an American ship might have gone, in time of peace, from a port in Holland to a port of France and Spain and Italy, or, vice versa, from the others to Holland: but was America in the use and habit of such a beneficial commerce? On the contrary, is it not notorious that the coasting intercourses between those countries were generally carried on by their own shipping, and America, therefore, in time of peace, was not in the use and habit of such a commerce. This, however, I only mention by the bye, because if the Order was wrong in that respect, it was only in practice going beyond the old principle, which was still professed to be the rule, and not the adoption of a principle perfectly new: it was open to the complaint of America, and would have been considered by the late ministers with candour and justice. But dates, my lords, become now more decisively material. This Order of Council bore date the 7th of Jan. 1806, and my noble friend's letter to our minister in America, transmitting this very Order, and directing him to communicate it to America, was written only the day after its date, being the 8th of Jan. Now let us see whether the noble earl, when he transmitted the Order to America, could possibly suppose that we were proceeding upon a new principle of retaliation in consequence of the Decree of France, independently of its execution or the acquiescence of America. After recommending the Note to your minister's particular attention, he says, 'You will state to the American government that his majesty relies with confidence on their good sense and firmness in resisting pretensions which, if suffered to take effect, must prove so destructive to the commerce of all neutral nations.' Is it possible to collect from this that he thought the execution of the Decree and the acquiescence of America immaterial? Nay, even in the following sentence, so much commented upon, in which the noble earl states he had learned that the Decree had in some instances been carried into execution by the privateers of France, it is quite manifest, by the conclusion of the very same sentence, that our retaliation could only be justified by the submission of America, because it concludes as follows: 'It cannot indeed be expected that the king should suffer the commerce of his enemies to be carried on through neutrals whilst they submit to the prohibition which France has decreed against the commerce of his majesty's subjects.' The submission, therefore, following a supposed execution, is the avowed principle upon which a retaliation on America was alone anticipated: could any thing indeed be more absurd than a contrary construction of this letter, when my noble friend had been himself a party to all the other papers, the terms of which are so perfectly unequivocal? Is the mind of my noble friend, the subject of so much just panegyric, to be taken, on a sudden, to be incapable of collecting or retaining its ideas even for a week together upon a subject so important?—If these different papers would even bear two constructions, which I contend they cannot, would it not still be fit to adopt that construction which would render them consistent with each other? On the debate respecting the Isle of Man, I admitted the argument of my noble and learned friend on the woolsack to be unanswerable, when he argued, that where the language of any man, much more of a magistrate, will admit of two constructions, that construction ought in fairness to be adopted, and was constantly adopted in all courts of justice, which went to reconcile the parts together, and to reconcile them with the duty of the writer, rather than to involve him, on the other hand, in absurdity and injustice.—But it has been said, that Mr. Maddison complained of the Order of the 7th of Jan. as inconsistent with the law of nations. My lords, that complaint is the most serious part of the whole transaction. The letter of your minister in America, which transmitted it to England, bears date, at Washington, the 30th of March, 1807: of course it never reached the late ministers, to whom it was addressed, but came to the hands of their successors. In such a case, my lords, common candour and justice, independently of the interests of the country, ought surely to have suggested the propriety of an immediate communication with the late ministers on the subject of that Order? Ought they not to have been made acquainted with the objection taken by Mr. Maddison, and been consulted upon the facts and the principles on which they had proceeded? But, instead of that course, no part of the proceeding was ever heard of till the papers were lately printed for the use of your lordships; and, in the mean time, his majesty's present ministers, without any communication, directly or indirectly, with us their predecessors, issued the Orders in Council now under consideration; and although it has been their constant habit to disparage our councils as weak and incapable; they, to serve their own purposes, set us up on a sudden as the brightest examples, justifying themselves under our authority, imputing to us principles we never dreamed of, and the knowledge of facts which never had existence. My lords, I have therefore, I think, established that the Order of the 11th of Nov. standing upon the execution of the Decree, and the acquiescence of America, is wholly unjustified by either: she never, indeed, denied the principle of retaliation, if it were executed and acquiesced in: so far from it, that Mr. Maddison, in his very first letter to your minister at Washington says, 'the respect which the United States owe to their neutral rights will always be sufficient pledges that no culpable acquiescence, on her part, will render them accessary to the proceedings of one belligerent nation, through the rights of neutrals, against the commerce of its adversary.' The demand of explanation by gen. Armstrong is in full unison with this declaration; and the practice cofirmed the explanation insomuch, that Messrs. Monroe and Pinkney, in the summer of last year, considered the note of the 31st of Dec. to have lost its application: and so late as the 18th of Oct. those excellent persons, who have uniformly exhibited the utmost good faith, and the most anxious desire to preserve friendship between the countries, because they knew their most essential interests to be intertwisted, communicated to the secretary of state the construction given by France to her Decree, and that the practice had been in conformity to that construction.—My lords, I was indeed astonished to hear that no reply had been made to this communication, and that Mr. Monroe had been suffered to leave England. [Here lord Grenville said, 'And Mr. Rose.'] I am obliged to my noble friend for reminding me. And Mr. Rose also, the minister of peace to America. They were suffered to sail together, in total ignorance of the Orders in Council, though published so near the time of their sailing, that it must have depended upon the accidental veins of winds or of calms, which prevail on the ocean, whether the proposal of peace, or the fresh provocation to quarrel, should reach America first, or whether they might not meet in a point together. This part of the case is therefore closed. I pass by altogether, my lords, the news from Holland, which, even if it had contained any proof of the execution of the Decree, could not possibly have reached England when the Orders in Council were determined on, because they bore date the third of Nov. only a week before the publication of those long and complicated details, which must have been weeks in settling: indeed, I repeatedly heard the project itself mentioned, as a thing certain, by more than one of its advocates, even in the early part of the summer.—My lords, it being thus matter of demonstration, from facts uncontradicted, and incapable of contradiction, that the French Decree was not executed on America, and that she never acquiesced, as it regarded her, even under its principle or publication; we are brought back again to the law of nations: we must be bound by its ordinary principles, and governed by their universal application. The circumstances upon which the new conjuncture has been assumed having been removed, there can be no other standard, by which the justice of our conduct to other nations can be measured.—I shall now therefore, my lords, bring before you and very shortly (for the subject lies in the narrowest compass) the rights of neutrals, as they have been settled by the highest authorities, and especially by those of our own country in the best times; and, as the subject is now narrowed to the right of imposing this constructive blockade, I will shew you by the best and most modern decision, pronounced even in the midst of the war with revolutionary France, that it is inadmissable and illegal. In the case of the Juffrow Maria; Schroeder, master, reported by Dr. Robinson in his first vol. p. 154, which was the case of a vessel taken for coming from Havre as a blockaded port, sir W. Scot gave judgment in these words: 'It is perfectly clear that a 'blockade had taken place some months 'before, and that the notification was com'municated to the claimants of govern'ment, not only that a blockade would be 'imposed, but of a most rigorous kind. 'A blockade may be more or less rigor'ous, either for the single purpose of 'watching the military operations of the 'enemy, and preventing the egress of 'their fleet, as at Cadiz; or on a more 'extended scale, to cut off all access of 'neutrals to that interdicted place, which 'is strictly and properly a blockade: 'for the other is in truth no blockade at 'all, as far as neutrals are concerned: it 'is an undoubted right of belligerents to 'impose such a blockade, though a severe 'right, and as such not to be extended 'by construction. It may operate as a 'grievance upon neutrals, but it is one to 'which, by the established law of nations, 'they are bound to submit. Being, how'ever, a right of a severe nature, it is not 'to be aggravated by mere construction, 'and I cannot shut my eyes to a fact that 'presses upon the court; that the block'ade has not been duly carried into 'effect. What is a blockade but to pre'vent access by actual force. If the 'ships stationed on the spot, to keep up 'the blockade, will not use their force for 'that purpose, it is impossible for a court 'of justice to say there is a blockade 'actually existing at the time so as to bind 'this neutral vessel. A contrary prin'ciple would spread beyond the individual 'case. The property of innocent per'sons would be ensnared, and the honour 'of our own country is involved in the 'decision.' The language of sir W. Scott, upon this occasion, is remarkable. He says, 'it is impossible for a court of justice 'to say that a blockade was actually exist'ing.' Yet why impossible my lords, if the judge were obliged to receive implicitly the arbitrary mandates of the privy council? The proposition, however, that the prize courts are bound to proceed according to the law of nations, undisturbed by any ordinances repugnant to them, is much too important to be rested here: I will therefore proceed to establish it by the highest judicial authorities of our own counrry, sanctioned by the most solemn declarations from his majesty himself in council, in his transactions with other states. In pursuing this course, I shall begin with the decisions of the common law judges, who are frequently brought to the consideration of this subject, in the cases of policies of insurance.—Your lordships no doubt know that when a ship is warranted neutral, it is not enough that she should have been built in the neutral state, or should be the property of, or navigated by, her subjects, but that she must also be navigated according to the law of nations, so as to emancipate her from just capture, and thereby secure to the underwriter the protection of the neutral flag; otherwise, the warranty being broken, he is discharged from the risk. This principle has brought many cases before the courts, when particular governments have taken upon them to make ordinances and regulations contrary to the law of nations, and without the consent of other states. If this could be legally done by any particular state, our courts here would be bound to respect such ordinances as engrafted on the law of nations; but the most solemn decisions run uniformly to the contrary. If a Court of Admiralty, indeed, condemns in general terms, pronouncing against the neutrality, the question cannot arise, because full faith must be given to the acts of courts of competent jurisdiction; but if (as very frequently has been the case) they condemn for the breach of an ordinance or regulation made by a particular state, not supported by the general law of nations, the courts uniformly pronounce such ordinances to be absolutely void.—My lords, the cases are many in number, and I might cite them from memory, having been concerned as counsel in all of them, for more than the last 20 years, but I will content myself with a few which are directly in point, and when the most eminent judges have presided in our courts.—In the case of Mayne against Walter, where a ship, warranted Portuguese, was condemned in France, because she had an English supercargo on board, contrary to a French ordinance, it was held that the sentence did not falsify the warranty. Lord Mansfield saying, that 'it was an arbitrary and oppressive regulation, contrary to the law of nations;' and in a subsequent case, though the question was shut out by the generality of the sentence, lord Mansfield said, 'The law of nations is founded in eternal principles of justice; but belligerent powers frequently make regulations for themselves, which, being no part of, or, perhaps repugnant to, the law of nations, do not bind other states.'—But the subsequent cases of Pollard and Bell, and Bird and Appleton, are so absolutely decisive, that they may finish your lordships trouble upon this part of the subject. In the first of these cases, a ship, being warranted Danish, was captured by the French, and condemned as prize, because the captain was an enemy; so expressed on the face of the sentence. The court were unanimously of opinion, that it did not falsify the warranty. Lord Kenyon said, 'this is one of the numerous questions that have arisen in consequence of the extraordinary sentences of condemnation passed by the Courts of Admiralty in France during this war, which have proceeded in a system of plunder; but still, until the legislature interferes, we, sitting here in a court of law, must give credit to the sentences of courts of competent jurisdiction. If, therefore, in this instance, the French courts had condemned on the grounds that she was not Danish property, we should have been concluded, and must, reluctantly, have decided: but I concur with lord Mansfield in opinion, that it is not competent to any individual state to add to the law of nations by its own arbitrary ordinances, without the concurrence of other states;' and he concludes thus—'On the whole, therefore, I am of opinion, that, though we should have been concluded by the sentence, if the ship, contrary to justice, had been condemned as not being Danish, yet as the court abroad has endeavoured to give other supports to its judgment which do not warrant it, and have stated, as the foundation of the sentence of condemnation, one of their own ordinances, which is not binding on other nations, this sentence does not prove that the ship in question was not a neutral ship,'—The language of that truly eminent judge, Mr. Justice Lawrence, is no less remarkable; because, in agreeing with lord Kenyon, he refers to the state paper in the Collectiana Juridica, signed by sir George Lee, Dr. Paul, the king's Advocate, and sir Dudley Ryder and lord Mansfield, then attorney and solicitor general, which I shall presently have occasion to refer to, and which is absolutely conclusive upon the doctrine I am maintaining. —In the other case of Bird and Appleton, which is the last I shall refer to, and which followed in a few terms after the other, lord Kenyon declared, that he adhered to the opinion he had before delivered, and maintained, as an indisputable proposition, 'that Courts of Admiralty are to 'proceed according the jus gentium, or on 'the treaties between particular states; 'that even such treaties do not alter the 'jus gentium, with respect to the rest of 'the world; and that one state has no authority, by ordinances of its own, to vary 'the general law of nations as to other 'states.'—Now, my lords, unless there was a fixed, settled, and known law of nations, which judges, as learned men, could refer to, and by which they were bound to regulate their decisions, how is it possible that these judgments could have been pronounced? and would they not apply equally to arbitrary condemnations of your own Court of Admiralty, if they came, in the same manner, before them? I have the highest authority, as well as the reason of the thing, to maintain that they certainly would; because lord Hale, speaking of the Court of Admiralty, says, 'the jurisdiction of this court is not founded or 'bottomed upon the authority of the civil 'law, but hath both its power and jurisdiction by the law and custom of the realm, 'and the common law judges have the exposition of such statutes as concern the 'extent of the jurisdiction of these courts, 'whether ecclesiastical or maritime.' The law of nations, therefore, as administered in our prize courts, is part of the law of the land.—My lords, the passage in the Answer to the Prussian Memorial, which I said I would refer to, is an unanswerable confirmation of the doctrine that the law of nations cannot be altered by a particular state. Those eminent judges, in the name of his majesty, answer the Prussian objection thus: 'By Courts of Admiralty, according to the law of nations, 'all captures at sea have been immemorially judged of in every country of Europe.'—And again: 'Had it been intended to introduce any variation from 'the law of nations, it could only be done 'by a treaty in writing. The parties interested, and the Court of the Admiralty, 'could not otherwise take notice of it.' But this is not the doctrine alone of the common law judges and of eminent lawyers and civilians giving their opinions to the crown; it stands upon the most undoubted authority of the British Court of Admiralty itself, as coming from the mouth of the present truly eminent and learned judge who presides in it.—Sir W. Scott, in the case of the Swedish convoy, as reported by Dr. Robinson, (Reports, p. 349.) expressed himself thus: 'In forming my 'judgment, I trust it has not escaped my recollection for one moment what it is that 'the duty of my situation calls for from 'me; namely, to consider myself as stationed here not to deliver occasional and 'shifting opinions to serve present purposes of particular national interest, but 'to administer with indifference that justice which the law of nations holds out 'without distinction to independent states, 'some happening to be neutral and some 'belligerent. The seat of judicial authority is indeed locally here in the belligerent country, according to the known 'law and practice of all nations; but the 'law itself has no locality, it is the duty of 'the person who sits here to determine this 'question exactly as they would determine 'the same question if sitting at Stockholm.' Now, is it possible that any judge, but, above all, such a judge as sir W. Scott, could hold this language, only because in that particular case no Order in Council had been sent to dictate a judgment in favour of England. If that was his meaning, could any thing be so grossly false as the whole admirable doctrine by which he upheld and ever will uphold the justice and dignity of his court—what signified his station, or the duties of it, if the king's council could peremptorily dicate to him? How could such a man predicate to all nations a proposition which was a gross fraud upon all of them? Was it the same thing 'whether he was sitting in London or at 'Stockholm,' when he was within an English mile of Whitehall, where an English Council could positively dictate to him, and by which, after having decided one case according to the law of nations, a hundred others standing before the court in consimili casu might be decided by a new rule imperative upon his decision, however repugnant to the law upon which he had before acted, and by which he declared he was to be governed?—My lords, having established, by the authority of our greatest judges, dead and living, that a new and arbitrary rule cannot be given to the Court of Admiralty and Prizes, and likewise by the most eminent judges of the

Admiralty Court, dead and living, I will add but one more decision, which I consider to be a most important one, because it is the authority of a statesman.—In matters indeed that regulate the intercourse between nations, perhaps their opinions ought to outweigh any others, as they are most frequently assisted in forming them by the most eminent persons of their times. But what must render the authority of the work I mean to cite from peculiarly authoritative is, that it was written in defence of the maritime rights of this country against the armed neutrality which several nations had set on foot, contending against the right of search of neutral ships for the property of enemies, on the principle that free bottoms made free goods. My lords, upon what authority did this able author support the rights of his country, which are the main pillars of its strength? Upon what arguments did he unanswerably maintain that free bottoms did not and could not make free goods? Upon no other, my lords, and none else could be necessary, than that it had been so settled by the uniform practice of nations grown up into the positive law of Europe, and that no state, nor any combination of states, could alter it for their own interests against G. Britain, without her consent. But remove the principle for which I am now arguing, and what becomes of this boasted privilege? For if we take upon ourselves to alter the public law to suit our own convenience, without the consent of other nations, what is to prevent other nations, standing upon our own example, from returning back the new principle upon us, and from maintaining that free bottoms shall make free goods? The able and convincing argument of the author was, therefore, only triumphant upon the principle I am maintaining, it was not the triumph of a day. He tells us, in his preface, that he republished his work after an interval of forty-three years, without altering a sentence of it. I cannot give to this excellent performance the favourite phrase of a legacy to ministers, because the author is still living. I borrowed the book from my noble friend and countryman who sits near me at the table, (the earl of Lauderdale) whose title to it I take for granted was by purchase; but another noble person will come to its doctrines and reputation (though I hope not soon) by the higher title of descent, and will the rather preserve this volume, as it will soon be a curious fragment upon the former law of the civilized world. I read, my lords, from the work of the aged and learned earl of Liverpool—there can be no irregularity in naming him, as it is not as a peer, or as connected with the debate, but as an eminent author on the subject which engages us—The noble author, speaking of the neutrals who were setting up the principles of the armed neutrality, says—'they 'pay also no attention to respected autho'rities of all ancient writers on the same 'subject, such as Grotius, Puffendorff, Byn'kershock, Vattel, and many others, be'cause they find that the decisions of those 'writers are uniformly unfavourable to 'their pretensions: they pay as little at'tention to the principles which have im'memorially governed all courts of mari'time jurisdiction through a succession of 'ages, and which have been handed down 'in a series of records, or authentic docu'ments published during the course of 'many centuries; in short they appear 'determined to establish a new code of 'maritime jurisprudence, better adapted 'to their own views, and present interests.' And in the body of the work, near its conclusion, your lordships will find this admirable passage—'Upon the whole, there'fore, I will now beg permission to con'clude, that the naval power of England 'hath been conducted, during the present 'war, with no less justice than spirit; that 'the faith of our sovereign is as spotless as 'his courage; and that the honour of our 'country is unblemished. The basis of 'just complaint, therefore, being thus re'moved, those idle clamours, which have 'been founded upon it, by no means merit 'our attention. To charge England with 'ambition must appear so absurd, to all 'who understand the nature of her govern'ment, that at the bar of reason it ought 'rather be treated as a calumny than ac'cusation: possessed of every blessing 'which civil government can produce, she 'is open to no temptation with which am'bition might seduce her. Pursuits of that 'kind might possibly operate to the destruc'tion of her constitution, and her system of 'happiness might be subverted by the aug'mentation of her power. It must always 'be the interest of England to protect the 'just rights of commerce, and to support 'those principles which promote the la'bour of mankind, since she herself can 'only be great from the virtuous industry 'of her people. To obtain the largest 'extent for the exertion of her industry, 'and for the operation of her commercial 'capital, is the point to which all her po- 'licy should tend; and if ever, forsaking 'these maxims, she should seek to enlarge 'her power by any acts of ambitious in- 'justice, may she then, for the welfare of 'the human race, cease to be any longer 'great or powerful? Her courts of mari- 'time jurisdiction are more wisely calcu- 'lated to preserve the freedom of naviga- 'tation, than those of any other country: 'as they are not subject to the controul of 'her executive power, the passions of her 'Princes or Ministers can never influence 'the decisions of them.'—My lords, you cannot but have observed that the noble author holds so high the honour of G. Britain, that he even wishes, that her greatness may not survive her justice; may he never see their cotemporary declension. The noble earl, so eminent in commercial learning, selected for his title a place raised from an insignificant village, even within all our memories, to an immense flourishing city; whose environs, like our own, are bespangled for miles with the cheerful and costly habitations of men, almost all arising from the trade of America, which these Orders are calculated to extinguish; for the slave trade did not amount to a tenth of her commerce. I hope he will not, through their operation, see this great city fast returning to a village again. Speaking of this noble earl, as Mr. Burke did formerly of the venerable earl of Bathurst, who remembered America only a small speck in the mass of national interest, yet growing, even in her trade with England, to equal in commerce the whole habitable world, I might say, 'fortunate indeed if he shall 'live to see nothing which shall vary the 'prospect, and cloud the setting of his 'day.'—My lords, it may be now asked, whether I mean to contend upon all these authorities, that the Judge of the Admiralty ought not to carry the Orders in Council into execution. It may probably be said, that my argument goes to that full extent; since if it be not competent for his majesty to dictate to his prize courts a rule repugnant to the law of nations, the rule given by the Orders ought, according to my doctrine, to be resisted by these courts. My answer, my lords, to this seeming dilemma is by far the most important part of the whole subject, and it was for that reason I insisted, at such length, upon the injustice of introducing facts, into the preamble of the Order, which had no existence; because I maintain, that without such preamble the Judge of the Admiralty could not, consistently with all the authorities, and most especially with his own, have given effect to the exceptionable parts. But with the preamble, the truth of which he is bound by, I have not contended that the Order is not a law to his court.—I admit, my lords, in the fullest extent, that it is the king's office and duty in the state to communicate with the Courts of the Admiralty and Prizes, and to issue orders, from time to time, for their government. The king alone can promulgate who are enemies and who are not; or what nations he chooses to consider his enemies, even before any declaration of hostilities. Without such acts of state the Courts of Admiralty and Prizes could do nothing. I admit that it would be for the king, in the very case before us, to promulgate to the Court of Admiralty the hostile Decree of France; and if the fact were so, to promulgate also that it had been executed upon America, and her non-resistance to its execution. I admit also, that if his majesty, from unjust or mistaken councils, is advised to promulgate such execution and non-resistance, that state of things is not traversable in the court of Admiralty, but must be implicitly received as the fact. And, finally, I admit that the rule given by the king, upon the facts which he promulgates, must be received and acted upon by the court, unless, in the judgment and conscience of the judge, it be plainly and manifestly repugnant to the law of nations. But I do maintain and positively assert, that, in the very case before us, the Order of the 1st of Nov. without its preamble, would have been manifestly repugnant to the law of nations; and that the judges of the courts of Admiralty, and the courts of prizes, ought to have refused to act upon it. If I am wrong in this, let us hasten to obliterate, from our solemn judgments and our declarations of state to other nations, propositions which are manifestly false and fraudulent. My lords, there are many other occasions which produce perpetual orders and directions from his maj. to his prize courts. His majesty, having promulgated who are his enemies, is bound to watch over the safety of the state; he therefore promulgates blockades, according to his direction of the national force; and he also may make new declarations of contraband, when articles come into use as implements of war, which were before innocent: this is not, as was imagined, the exercise of discretion over contraband: the law of nations prohibits contraband, and it is the *Usus Bellici,* which, shifting from time to time, makes the law to shift with them. So the king may relax from the utmost rights of war, and from its extreme severities: on that principle we have long relaxed, till lately, from the rule of 56; and captors are implicitly bound by these relaxations. The court of Admiralty can take all such facts from his majesty alone, and the rule also in every possible case not manifestly repugnant to the law of nations; but, independently of the statutes which I now hasten to, if an order were manifestly repugnant to it, the courts would be bound to presume, that his maj. had been deceived, as courts of law frequently decide his maj. has been deceived in his grants, and that he did not mean to violate the most sacred of all trusts, the confidence which nations repose in one another.—I know, however, that it will be still said, that, although an arbitrary and unjust order, directing a manifest departure from the established law of nations, might be a breach of that trust which states repose in one another, yet that the abuse of any jurisdiction does not limit or affect its extent; that it is for the crown, and not for the legislature, to communicate with prize courts; and that my argument proves too much in another respect, since, if the law of nations could not be altered by the king, so neither, upon my own principles, could it be altered by parliament itself. This observation is said to have been used, in another place, by a person, whose talents and learning no man respects more than I do, but I confess I should not have thought that this arrow could come from such a quiver; because no doubt parliament can no more alter the law of nations, consistently with right and justice, than the king: but it would be trifling with the subject not immediately to answer, that against the injustice of parliament there can be no redress for a British subject: the supreme government must be vested somewhere, and in parliament it is vested: this is the true answer, and it leads directly to the only remaining consideration, viz. Whether, supposing the jurisdiction contended for to have been once a branch of the prerogative, it has not been taken away by the ancient statutes of the realm.—This subject, my lords, is highly interesting, and the result will be found most honourable to our country, because it will be seen that whilst other nations were only emerging from barbarism, and before they had settled under that politic and moral dominion which long usage has since established in Europe; yet that England, even then—England, which has ever been the morning star, (may God avert her ever appearing as the star of the evening to mark the setting of civilized nations!) England, which seems to have been planted on the skirts of the world to shew the light to every part of it, and planted upon a tower to be seen like other lights from a distance, and to be secure from violence, England embodied into her own laws the rights and privileges of other nations, well earning the enlightened praise which the president Montesquieu has bestowed upon her.—Our wise and prudent ancestors saw, even in the very infancy of commerce, the principles upon which alone it could prosper; and, knowing that it can no more live under the sceptre of power than the natural world can exist without the free circulation of the atmosphere which surrounds it, they guarded it even against the prerogatives wisely entrusted to her sovereigns, and placed it in the states of the kingdom representing the whole people whose interests depended upon its security.—Let it not be thought, my lords, that by thus contrasting the king's power with the authority of parliament, I seek to abridge the just prerogatives of the crown, or, by an unworthy jealousy, to degrade the king's high dignity and character in the state: I seek, on the contrary to exalt them. It is by mistakingly bringing forward the king as an adverse party, and by ascribing to him the motives which govern individual men, that his sovereignty is tarnished. To those who misunderstand our constitution it appears to be a startling proposition that 'the king can do no wrong,' but to those who do understand it, the maxim is plain and simple; for *he* can certainly do *no* wrong who in fact can do *nothing;* the constitution knows nothing of the king, *as an individual,* so as to estimate his individual actions: he is known only as the head of all the national councils; his office is not merely executive or passively legislative; no, he presides every where: the laws are made by the king in his parliament, and they are the king's laws when made. They are administered by the king in all his courts, which are then his council; for lord Coke says, in his third

Institute that the king's council is '*secundum subjectam materiam;*' and, therefore, when it was said, in a statute of Richard ii. that offenders were to be brought before the king and his council, to answer for offences against the act, it was held by all the judges that the subject matter being legal, the courts of law were intended as his council. For other matters, his majesty has, in like manner, a variety of councils: the privy council, for high matters of state, and inferior councils upon subjects ecclesiastical, military, or naval. In all of them the king is for ever present, supreme, and predominant, and he can have no guide but the constitution, nor any personal interest by what councils he shall be assisted. Neither, my lords, do I forget or desire to affect in any manner the war prerogative of the king: it is created by the perils and exigencies of war, for the public safety, and by its perils and exigencies is therefore limited.—The king may lay on a general embargo, and may do various other acts growing out of sudden emergencies; but in all these cases, the emergency is the avowed cause, and the act done is as temporary as the occasion. The king cannot change, by his prerogative of war, either the law of nations or the law of the land, by general and unlimited regulations, even putting the statutes out of the question, which I am about to bring before you. In the year 1709 queen Anne's ministers would not advise her maj. to suspend the laws under which corn was exportable, though famine was in a manner staring us in the face: she assembled her parliament, and told them that she had done all she could in the mean time, by issusing proclamations against forestalling. The example was followed by lord Hardwick, in 1756, and has been considered to be the rule ever since. I therefore admit the king's war prerogative, in the utmost extent to which it has ever been considered to be legal or constitutional since the æra of the revolution.—The statutes, my lords, which I shall now bring before you, begin with Magna Charta. I shall state them with the exception of two, which I have added, as they have been brought together in a most excellent Treatise upon the Orders in Council, written by a gentleman who is frequently an ornament of your bar.—[Lord Lauderdale, at the table, said something to lord Erskine.] I speak only from report; I know nothing more.—My lords, the rights of merchant strangers, in amity with the crown, to a free and open trade with England, is expressly settled by the 30th chapter of Magna Charta. The words are—'Omnes mercatores nisi publice antea prohibiti fuerint habeant salvum et securum conductum exire de Anglia et venire in Angliam et morari et ire per Angliam tam per terram quam per aquam ad emend' et vendend' sine omnibus tollis malis per antiquas et rectas consuetudines preterquam in tempore guerre.'—I understand that these last words have been attempted to be construed to confine the privileges of the statute to a time of universal peace; but all the antecedent words, as well as those which immediately follow, are utterly repugnant to such a construction: the antecedent words declare that they shall have safe conduct, which is only applicable when from the kingdom being at war with some nations and at peace with others, the safe conduct becomes necessary for strangers whose countries are at peace; and the words immediately following are absolutely decisive: because instead of going on after the words 'preterquam in tempore guerre,' to provide another rule for a state of war as opposed to a general state of peace, the words are—"et si sint de terra contra nos guerina;" i. e. if the merchant strangers to whom privileges are before given, if their nations are at peace, shall happen to be at war, then another rule is directed; which manifestly shews that the statute provided different rules for merchant strangers in amity, and for those whose nations were at war when the kingdom was at peace with some countries and at war with others. But 14th Edward iii. stat. 2. ch. 2. puts this matter wholly at rest; for the words of that act are, "that all merchant strangers, except those which be of our enmity, may without let, come into England with their merchandize." Now the words "except those which be of our enmity" are utterly inconsistent with a general state of peace; because they are employed to confine the privilege to those not at war, which would be wholly inapplicable, except when the kingdom was at peace with some nations and at war with others. There are other statutes, (four or five in number) in the time of Edw. iii. but as they are expressed in the very same terms, it is unnecessary to cite them for this part of the case, which goes only to establish that Magna Charta and all the other statutes not only have their effect when the country is at war with some nations and at peace with others, but can have no possible application to any other state of things. With regard to the meaning of the words, "unless before publicly prohibited," I need not trouble your lordships with any arguments, because it is expressly laid down by lord Coke, in his commentary on Magna Charta, that the public prohibition can only be the prohibition of parliament.—The next point therefore, is, what are the privileges so given to merchant strangers in amity, in a time of war with other countries which parliament alone can take away? My lords, the words are so express that I do not know how to raise an argument on their construction, or how to make them plainer than by reading them. By Magna Charta they are to have safe conduct to come into England, to stay, and to return with their merchandize. By 14 Edw. III. they are, without let, to come into England with their Merchandize, and safely tarry and return. The 18th of the same king enacts, 'that the sea be open to all 'manner of merchants to pass with their 'merchandize where it shall please them:' And by 28 Edw. iii. c. 13, sec. 3, it is enacted, 'that no manner of ship, which is 'fraught towards England or elsewhere, 'be compelled to come to any port of 'England, nor here to abide against the 'will of the masters and mariners of the 'same, or of the merchants whose goods 'they be.' And then, after giving them a free market upon the accustomed duties, it goes on—'So that the masters, mariners, 'and merchants, after they have sold that 'which pleaseth them of the said goods, and 'paid thereof the custom, may freely de'part, and go with their ships, and all the 'remnant of their goods, whither it shall 'please them, without custom thereof to 'be paid; and that none, of what condi'tion that he be, shall disturb any ship 'charged with merchandize, to come to 'any port of England, but to the port 'where the masters, mariners, and mer'chants, will first, of their free will, arrive; 'nor, after they have arrived, shall meddle 'with the sale of the same merchandizes, 'nor disturb the merchants, nor their ser'vants, that they may not themselves, by 'their own hands, according as to them 'best may seem for their profit, sell and 'deliver their merchandizes, at what time, 'and to whom it shall best them please; 'and if any set disturbance, he shall incur 'a grievous forfeiture to the king, according to the quantity of the trespass.'—This last act is not printed amongst those I alluded to, and it appears to have been confirmed in the reign of Rd. ii. in these remarkable words, 'Notwithstanding any 'ordinances to the contrary;' upon which I can put no other construction, than that there had been ordinances repugnant to these statutes, which are thereby declared to be illegal. There are also several other statutes to the same effect, both antecedent and subsequent, with which I need not fatigue your lordships' attention, already, I am afraid, but too much exhausted.—My lords, I cannot conceive how any possible construction can be put upon these statutes, more especially on the 28 Edw. iii. confirmed by that of Rd. ii. except that the free trade of merchant strangers in amity cannot be abridged, or controuled, or altered, without the authority of parliament. Indeed our history will furnish a strong confirmation to whoever will take the trouble to refer to it, that all the acts were passed to secure the infant commerce of the country from the interruptions which it must otherwise have suffered from the arbitrary ordinances of its princes, in the perpetual wars they were engaged in.—But it may be said, that my argument upon these statutes proves too much. It may be asked, whether I mean to contend that when it is enacted by 28 Edw. iii. 'that 'no manner of ship fraught towards Eng'land or elsewhere, be compelled to come 'to any port of England, or to abide there 'against the will of the masters.' It may be asked, (I say,) whether I mean to contend that the king cannot, in time of war, compel merchant strangers to abide here by a general embargo? My lords, I have already admitted the king's power in that respect, with its just limitations, viz. upon temporary exigencies of state, but not by general or unlimited restraints, which must be enacted by parliament: this is expressly declared to be the law by lord Hale, in his Treatise De Portibus Maris. I may be asked further, whether, when the statute enacts that no manner of ship fraught to England, or elsewhere, shall be compelled to come into England, I mean to contend, that the king cannot direct the navy to seize vessels of merchant strangers, though in amity, entering blockaded ports, or carrying on any other illegal traffic? To such question I should answer, certainly no: I mean no such thing; because merchant strangers in amity are bound to observe the public laws of civilized states; because, when the statutes speak of their trade, and afford their protection to it, they mean, of course, to protect that trade only, which is sanctioned by the general law and customs of nations; and because it could be no compulsion, properly speaking, upon a merchant stranger, to enforce upon him that rule which he is bound, by the municipal law and justice of his own country, to observe. From this admission, my lords, it may perhaps be argued that I am brought back to the mere question of the law of nations; since, if it be admitted that the king, notwithstanding the statutes, may nevertheless extend his authority over merchant strangers to the full extent which the law of nations warrants; and if it be also true that he cannot alter the law of nations, merchant strangers would then be completely protected by that rule, and the statutes would be altogether useless. My lords, the answer to this objection is a very plain one:—Without the statutes the king could not violate the law of nations, so as to affect merchant strangers, except under evil and impeachable council; yet still the rights of such merchants would be legally affected; but, if their rights can be brought under the protection of the statutes, the Orders breaking in upon their trade would, in that case, be utterly null and void, and would be no rule to the courts.—My lords, I have but one thing more to add on this part of the case, and that is to press upon your lordships the palpable absurdity of permitting the exercise of the war prerogative to be an exception to the operation of the statutes, supposing my construction of them should appear to your lordships to be in other respects just; because, to argue for an universal dispensing prerogative in the king, or rather a non-application of the statutes to a time of war, by reason of the king's prerogative in war, the same absurdity would follow as to argue that, during war, the king can alter the law of nations; because the protection given to merchant strangers, by the statutes, having no kind of application but when we are at peace with some nations and at war with others, (since in a state of universal peace no protection is wanted) the exercise of such a war prerogative would not be an exception, but the total annihilation of the rule. If these statutes then, my lords, apply to protect merchant strangers in amity, in time of war with other nations, and if the king's war prerogative cannot dispense with such protection, nothing remains but to examine whether the provisions of these Orders in Council be repugnant to the statutes.—My lords, their repugnancy to them is self-evident. I have been, indeed, astonished to hear it repeatedly asserted, that the Orders in Council 'do not compel any American vessel to come into England,' and that all regulations, therefore, imposed upon them here, are only indulgencies introduced if they come here spontaneously. Let us try the truth of this proposition, as it applies to American vessels sailing before notice of the Orders. My lords, the express letter of the king's instructions to his officers, reciting the Order in Council to the same effect, directs them to warn vessels bound to the interdicted ports, not merely to discontinue their voyages, but to go to England, or Gibraltar, or Malta! What matters it, then, though the confiscation does not follow upon disobedience of such warning;' for how could any master of a vessel possibly know that such consequence was not to follow? How could any such master, when warned by officers of rank and distinction, venture to risk the property of his owners by refusing to comply with their directions? But, passing to the permanent part of the Orders, after the times in the notices have expired, can it possibly be said that they do not directly compel vessels to come to England? Is it not adding insult to injury to say to America that her shipping is not compelled to come into our ports, since they may return back again? Let me suppose that his majesty had been advised, whilst I was a practiser at the bar, to issue a proclamation that no barrister should go into Westminster Hall without passing through a particular gate, at which a toll was to be levied on him: should I have been told gravely that I was by no means compelled by such a proclamation to pass through it? Should I have been told that I might go back again to my chambers, with my briefs, and sleep there in my empty bag, if I liked it? Would it be an answer to a market gardener in the neighbourhood of London, if compelled to pass a similar gate erected in every passage to Covent Garden, that he was by no means compelled to bring his greens to market, as he might stay at home with his family and starve?—On the subject of tolls, however, let me do justice. Let me not forget the saving proviso which I hear has been introduced into the Bill, viz. that those who do not choose to pay it are at liberty to burn their goods, on payment of expenses. How gracious! The injury is wholly done to you by France, and yet you consider the destruction of the commodity as an indulgence to the trade of America. A trespass is committed by another man's horse, upon which you immediately impound mine, that had never trespassed: but God forbid that you should be so unjust as to levy the penalty; no: I am at liberty to shoot him in the pound, upon paying the pound keeper's expences.—My lords, my task is now finished, having (however imperfectly I may have executed it) established all my propositions by their own intrinsic truth. I have purposely avoided touching upon the impolicy of the Orders, unless where I was forced to shew that no possible evil could have attended the delay of waiting for the execution of the Decree upon America. The momentous and complicated question of their impolicy is in the able hands of my friend, the noble earl at the table, (the earl of Lauderdale) who has already given notice of his motion.—I cannot, however, my lords, take leave of the subject without endeavouring to awaken the feelings of the house to its vast importance, in a manner which neither my own language or authority could sufficiently accomplish. The words of a reverend lord, long an ornament to the bench opposite, whom I honoured whilst living, and whose memory I shall for ever cherish, rush into my mind at this moment, though they have not passed through it for very many years. Unaccustomed to speak in public, the reverend lord committed to writing what he intended to have delivered in this house upon the awful and interesting subject of America, whilst we were rashly hastening to our final separation. The whole composition would have done honour to the best ages of Greece or Rome, and the conclusion of it is but too much in point to our present deliberations. 'My lords,' said the reverend prelate, 'I look upon 'North America to be the only great nur'sery of freemen left upon the face of the 'earth. We have seen the liberties of 'Poland swept away, in one year, by 'treachery and usurpation. The free states 'of Germany are but so many dying sparks, 'going out one after another, and which 'must all be soon extinguished under the 'destructive greatness of their neighbours.' My lords, they have been all since destroyed by one destructive neighbourhood. 'Holland is little more than a great 'trading company, with luxurious man'ners, and an exhausted revenue: with 'little strength, and with less spirit.'—My lords, she has now neither strength nor spirit: her government is a despotism under the dominion of France. 'Switzerland alone is free and happy 'within the narrow enclosures of her rocks 'and vallies.' My lords, she is now neither free nor happy. All these changes, since the death of my rev. friend, makes the picture now more impressive: the rest of it remains unaltered. 'As for the state 'of this country, my lords, I can only re'fer myself to your own private thoughts: 'I am inclined to think and hope the best 'of public liberty. Were I to describe 'her, according to my own ideas at this 'moment, I should say that she has a 'sickly countenance, but I trust she has a 'strong constitution.' And now, my lords, let me entreat you to suffer the conclusion to sink deep into your minds: would to God that you may feel it as I do!—'But, 'whatever may be our future fate, the 'greatest glory that attends this country, 'a greater than any nation under heaven 'ever enjoyed or even contemplated, is to 'have formed and nursed up to such a 'state of security and happiness those 'communities which we are now so eager 'to oppress, and even to extinguish. We 'ought to cherish them as the immortal 'monuments of our public justice and 'wisdom; as the heirs of our better days; 'of our old arts and manners, and of our 'expiring national virtues. For what work 'of art, or power, or public utility, ever 'equalled the glory of having peopled a 'vast continent without guilt or blood'shed? To have given them the best arts 'of life and government, and to have suf'fered them, under the shelter of our au'thority, to acquire in peace the skill 'to use them? In comparison of this, 'the policy of governing by influence, 'and even the pride of war and victory, 'are dishonest tricks, and poor, con'temptible, pageantry.'—My lords, I should hope that these sentiments would have more particular weight with the reverend lords opposite, as proceeding from so distinguished a member of their own order; I should hope that they would think it no offence to that uniform system of support, which I cannot doubt that their consciences have dictated in the present difficult times to be due to the administration of the government, if, upon this occasion, they were to give their voice and support to principles which are the sole fruit of the religion they teach; the offspring of the gospel which they propagate. Let us leave to our enemies the guilt of discord and bloodshed, and support our country by the virtues of benevolence and peace.—But, my lords, I have already troubled you too long, much indeed too long; and I am thankful for your patience and goodness. As all the Resolutions, my lords, are dependent upon each other, I shall not move the first by itself, but move the whole of them as if they were one Resolution, comprehending them in one motion."—The noble lord then moved the following Resolutions:

1st, "That the power of making laws to bind the people of this realm, is exclusively vested in his majesty by and with the advice and consent of the lords spiritual and temporal, and commons of the realm, in parliament assembled: and that every attempt to make, alter, suspend, or repeal such laws, by order of his majesty in his privy council, or in any other manner than by his majesty in parliament, is unconstitutional and illegal.—2nd, That the advising his majesty to issue any Order in Council, for dispensing with, or suspending any of the laws of this realm, is a high violation of the fundamental laws and constitution thereof. That the same cannot in any case be justified, but by some unforeseen and urgent necessity endangering the public safety. And that in every such case it is the duty of his majesty's ministers to advise his majesty, after issuing such order, forthwith to assemble his parliament, in order both that the necessity of such proceeding may be inquired of and determined; and that due provision may be made for the public safety, by the authority of his majesty in parliament.—3d, That the Law of Nations is a part of the law of the land, and that neutral nations, not interposing in the war between his majesty and his enemies, have a legal right to such freedom of commerce and navigation, as is secured to them by the Law of Nations.—4th, That the late Orders of his majesty in Council, are contrary to the law of nations, inasmuch as they purport to interrupt the commerce of friendly and unoffending nations, carrying on their accustomed trade in innocent articles, between their own country and the ports of his majesty's enemies, not actually blockaded; and even between their own country and those of his majesty's allies. And also, inasmuch as they purport to compel such trade in future, to come, in the first instance, under pain of confiscation, to the ports of his majesty's dominions, or of his allies, and there to submit to such regulations, restrictions and duties as shall be imposed upon them.—5th, That by the Law of Nations, all independent governments have an undoubted right, both in war and peace, to regulate in their own territories, and according to their own convenience, except where specially restrained by treaty, the admission or exclusion of the ships or merchandize of other states. That by the municipal law of this and other European countries, it hath been usual to require, that vessels trading to or from the ports thereof, shall carry such certificates or other documents, shewing in what country the vessel hath been built, fitted or owned, by what sailors she is navigated, and in what country the articles composing the cargo have been grown, produced or manufactured, as may be judged necessary to entitle them to entry. And, that the ships of friendly nations carrying such papers in time of war, do not thereby violate any rule of amity with other countries, or legally incur any penalty whatever, unless such should be found to be fraudulent.—6th, That so much of his majesty's Order in Council, of the 11th of Nov. last, as directs, that 'any vessels carrying any certificates or documents, declaring, that the articles of the cargo are not of the produce or manufacture of his majesty's dominions, or to that effect, or carrying any other document referring to such certificate or document, shall, together with the goods laden therein, belonging to the persons by whom, or on whose behalf, any such document was put on board, be adjudged lawful prize to the captor;' is a gross and flagrant violation of the Law of Nations, of the statutes made for the freedom of navigation and commerce, and of the rights and liberties of the people of this realm; inasmuch as it purports to expose the property both of foreign merchants, and even of his majesty's subjects, in the ports of this realm, as well as on the high seas, to unjust detention and forfeiture in cases where no offence whatever hath been committed against any known principle, or rule of the Law of Nations, or against any law, statute, or usage of the realm.—7th, That the free access to the ports of this realm, and the liberty of trading to and from the same, has been secured to merchant strangers, not being of a hostile nation, by

Magna Charta and divers other ancient statutes in which it is expressly provided, 'that no manner of ship, which is fraught 'towards England or elsewhere, be compelled to come to any port of England, 'nor there to abide, against the will of the 'masters and mariners of the same, or of 'the merchants whose the goods be.' And that the said statutes were intended, not only to protect the innocent commerce of friendly nations, but also to secure to the people of this realm, the benefits of a free and open market for the sale of the produce and manufactures thereof; and for the carrying on of such trade as might conduce to the profit and advantage of the realm.—8th, That the above-mentioned Orders of his majesty in Council are in open breach and violation of the said statutes, inasmuch as they direct that ships fraught to other places than this kingdom, and even to ports belonging to his majesty's allies, may be compelled to come to the ports of this realm, or of its dependencies, and there to abide under such restrictions or regulations as his majesty may be advised to impose upon them; and also inasmuch as they direct that the goods laden in such vessels shall not be cleared out again from such ports, without having been, in some cases, previously entered and landed; nor, in other cases, without having obtained from his majesty's officers licences to depart, which licences such Officers are not, by any known law of this realm, authorised to grant."

The *Lord Chancellor* maintained that the Orders in Council were not only conformable to the precepts of the law of this country, but to the principles of the law of nations. The first part of this proposition he rested upon what he described as a fair interpretation both of the common and statute law, from the enactment of Magna Charta down to the last statute which applied to the subject. As to the second part, he would beg the house to consider what was meant by the law of nations. It was formed of an accumulation of the *dicta* of wise men in different ages, and applying to different circumstances, but none resembling in any respect such a state of things as at present existed in the world. Indeed, none of the writers upon the subject of this law appeared to have such a state in their contemplation. But yet nothing was to be found in their writings which did not fully warrant the right of self-defence and retaliation. Upon that right the present ministers acted in advising those Orders in Council, and upon the same right their predecessors issued the Order of the 7th of Jan. which rested for justification upon precisely the same grounds which he and his colleagues pleaded on the case referred to in the motions before the house. That both the former and the latter proceedings were agreeable to the law of nations, he would be always ready to contend. He saw, indeed, quite enough to sustain the Orders in Council in the letter of the noble lord (Howick) to the Danish minister. That letter, which in his judgment was a most able exposé of the law of nations as applied to the case, clearly marked out the course which the government of this country was justified and bound to pursue under the circumstances which arose out of the extraordinary acts of the enemy. That course, therefore, the present ministers followed; and if in prosecuting a just resentment against the enemy neutral powers were affected, it was the inevitable effect of the peculiar situation in which we were placed, and should be considered by such neutrals as damnum absque injuria.—After a variety of observations upon the nature and tendency of the Orders in Council, which he contended throughout to rest upon precisely the same principle which gave birth to the Order of Jan. 1807, the noble lord concluded with stating, that as the three first Resolutions of his noble friend were self-evident propositions, it was unnecessary to declare them by any vote of that house. The fourth Resolution he regarded as quite inapplicable to the question; and the remainder being wholly exceptionable in his opinion, he should move the previous question upon the whole.

Lord *Grenville* rose. He began by observing, that the whole of the speech of the learned lord who had just sat down, was a laboured attack upon the late ministers under cover of an ironical defence, Such a speech might do very well for a party purpose; but it contained no illustration of principle, no deduction of argument applicable to the great question before the house. He totally denied the analogy asserted by the noble lord, between the Orders in Council, and the Order of Jan. 1807. For the latter was perfectly consonant to the law of the land and the law of nations, while the former was a gross violation of both. The latter indeed, amounted to nothing less, in his judgment, than an assumption on the part of the crown to legislate without the consent of parliament. That the law of nations was recognized and formed a part of the law of the land, the noble lord shewed, by referring to the opinion of justice Blackstone, and also to that of lord Kenyon, which was declared upon the discussion of a French court of Admiralty relative to a Danish vessel. According to the declaration of that respectable judge, the decision of that court was, upon the principles of the law of nations, held to be binding upon him sitting in an English court of law. From that decision being regulated by the understood rules of the law of nations, the learned judge did not think himself warranted by the law of this land to depart. Here, then, was a solemn recognition by an English judge, that the law of nations formed a part of the law of the land, and as that law could not be altered without the consent of parliament, the Orders in Council, which emanated solely from the crown, were contrary to the constitution. Upon the various bearings and probable consequences of these Orders, particularly with respect to America, the noble lord dilated with his wonted ability. To that part of them which refers to certificates of origin, he brought forward a variety of objections. Such papers were, he maintained, nothing more than the usual instruments which belligerents had uniformly required from neutrals, as testimonies that their cargoes did not belong to the enemy, and to consider such papers, as a just cause for the forfeiture of a neutral; was, in effect, to proscribe all neutral commerce during war. This he conceived to be the nature of the principle, which we, for the first time in the history of civilized warfare, had, in the instance under consideration, asserted. We, in fact, said to the Americans, 'you shall be confiscated by us, if you carry that document which protects you from confiscation by the enemy.' It was quite preposterous to maintain that the carrying of such documents by a neutral implied any such acquiescence in the hostile views of the enemy, as warranted a hostile proceeding on our part against such neutral. The proposition was utterly untenable, unless it was meant to assert that we should be at liberty to introduce a new principle upon the law of nations, which was to become general, but to be acted upon only as it answered our own convenience. For if such a principle were to be generally proceeded upon, to what a situation should we be liable? Suppose in a war between America and the States of Barbary, could we endure that what were called our 'Mediterranean passes,' which were necessary to protect our vessels from the latter belligerent, should render us liable to be confiscated by the former? And yet these Mediterranean passes were quite tantamount in their character to the certificates of origin, which the Orders in Council pronounced a just cause for condemning the property of a neutral. The noble lord strongly protested against the whole tendency and character of those Orders in Council, as well as against the other measures of administration, which bore no stamp of deliberation or judgment, and which could only spring from intemperance and inability. He deprecated, in the most impressive terms, the consequences of persevering in a course of proceeding not to be sustained by any sound or just principle,—and concluded with expressing his most serious apprehensions, that the passions of the present day would become the source of eternal misfortune to mankind.

Lord *Hawkesbury* had often lamented the great distance of America, which had been very inconvenient in our negociations with that country; but he was glad, on the present occasion, that the distance was such that America would decide the question upon their own grounds. One would have thought that we were upon the eve of a war with America, and that the noble lord's speech was a declaration against it; but whatever disputes existed with America at present, arose chiefly out of the measures of the former government, and not from any thing done by the present ministers. He contended, that the Order in Council, of the 7th of Jan. proceeded exactly upon the same principle as the present, and that it would have been the most futile in the world if it had not done so. He then proceeded to consider the statutes that had been referred to; and affirmed, that they only provided against the king's meddling by his prerogative with matters of trade, without confining it with regard to other matters. He was clearly of opinion that we had a full right of retaliation, by the law of nations. The injury which the neutral sustained consequently was no violation of that law. The French decree, in the obvious sense of it, justified that retaliation. The noble lords on the other side had quoted precedents and authority. He would make use of that privilege, and refer to the decision of the present judge of the admiralty court in the case of the American ship the Sampson. That ship had been captured by a Spanish privateer, and on her way to a Spanish port was relieved by a British cruizer. The question was, whether salvage should be allowed, the general principle being, that no salvage should be allowed where the neutral was in no danger, but must have been set at liberty when arrived in port. His lordship read the decision where a view was taken of the probable meaning of the Decree of France. The answer to general Armstrong was adverted to, and pronounced to be a most weak and flimsy production of the minister of marine, an officer similar to our first lord of the admiralty. The French decree made no exception in favour of America, and was so understood by the commander of the Spanish privateer. And, although the judge had not seen the Spanish Decree, it was natural to conclude that it would be the same as that of France. With respect to certificates of origin, his lordship observed, that the noble baron (Grenville) had compared them to things from which they were totally different. The Mediterranean passes were merely papers stating that such and such vessels were our property, in order to protect them from the Barbary cruizers. The certificates required by our navigation laws were papers to shew that the vessels, &c. actually belonged to the countries from which they came. But these certificates of origin were given to shew that such and such vessels and cargoes were not British property, granted with a view directly hostile to us, and signed by persons who could have no object at the ports at which they were stationed, except a hostile one to us. It was doubtful whether vessels carrying such certificates would not, by the law of nations, be liable to confiscation without our Orders in Council.

Lord *Erskine* observed, that the noble lords on the other side had not even attempted to answer the arguments of his noble friend, but had run away from the question; he adverted to the decision in the case of the Sampson, and said that it was the most extraordinary that ever was heard of, since the judge had avowed that he had never seen the Spanish Decree, upon which that decision must have been founded. He did not impute this to his learned friend, the judge of the admiralty court; but to this Sampson who had been strong enough to pull down sir W. Scott, the law of the land, and the law of nations. He then proceeded to vindicate his construction of the statutes, and affirmed, that no language could be more precise in favour of the opinion which he had stated. He repeated the arguments respecting the right of retaliation. We had no right to retaliate through the medium of a neutral, except that state was too weak to resist, or shewed a disposition to acquiesce. But America had shewn every disposition to resist. There was no proof of her acquiescence, and in fact the decree had not been put in execution against her, in the sense which ministers ascribed to it.—The house then divided on the question.

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HOUSE OF COMMONS.

Thursday, March 8.

Greenwich Hospital, and Naval Asylum.] Sir *C. Pole,* pursuant to notice, rose to submit his motion to the house, founded upon the 14th Report of the commissioners of Naval Inquiry. The object of the bill, which he had to propose, was to carry into effect, both the spirit and letter of the charter of Greenwich Hospital. Before he proceeded to make his motion, he begged that the report of the commissioners, who had been appointed on a former occasion to inquire into the state of that hospital, should be read. By the charter of the hospital, which was granted in the 16th Geo. iii. it was required, that all the officers of the hospital should be persons who had served his majesty in the navy, and had lost limbs or been disabled in the service. The provisions of the charter it appeared had not been complied with; but it was not the object of his bill to interfere with any of the existing appointments, or emoluments; its sole purpose being to provide that the charter should in future be complied with both in letter and in spirit. Another part of his bill would provide for a public saving, by requiring persons holding such offices to give up their half pay. His bill was also to extend to the institution of the Naval Asylum, which had been established for the encouragement of the naval service, and if ever there had been a time when they ought to do every thing consistent with economy and the interest of the service for that object, it was the present. These were the clauses which he intended to introduce into this bill, and there was also another, to provide that the bill should not extend to any persons holding offices at this moment either in the Naval Asylum or Greenwich Hospital, though it was to provide, that in future no persons but such as had served a certain number of years in the navy, or been disabled in the service, should hold any office in either establishment. It had also been his intention to introduce a clause to provide that all sums granted for the use of Greenwich Hospital, should be paid into the bank of England; but as he understood that regulations were to be adopted, which would render that clause unnecessary, he should not press it. He therefore moved for leave to bring in a Bill for the encouragement of his majesty's Naval Service, by regulating the appointment to Officers in the Naval Assylum, and in Greenwich Hospital.

Mr. *Rose* stated, that immediately after his appointment to the office he then held, he had inquired into the facts stated in the report of the Commissioners of Naval Inquiry, and that in consequence of the representations made by him to the admiralty, prosecutions were now carrying on against the persons who had been guilty of malversation in that department. But having said this, he did not think that the hon. baronet had made out any case to induce the house to accede to his motion. About 30 years ago, an inquiry had been made into the state and management of Greenwich Hospital, but no legislative enactment was thought necessary. There were various offices, such as that of organist, surveyor, and architect, which persons of naval education would not be competent to fill. The auditor was an officer who required a competent skill in the law. The noble lord who now held that office had succeeded lord Thurlow, who must be allowed to have been skilled in the law. Besides, the revenues of the hospital exceeded 160,000*l.* per annum, and the receiver would require other qualifications than a naval education. As to the question respecting the Naval Asylum, he thought that the hon. baronet would do well to wait for the Report from the commissioners on that head. He was as desirous as any person that none but those who had served in the navy, should be employed in the offices of that institution, for which they would be qualified; and if, when the regulations of the commissioners should be produced, the hon. baronet should not be satisfied with them, it would be perfectly competent to him to move for such a measure as the present.

Mr. *Whitbread* was of opinion, that many musical persons where disabled in the navy, who might be competent to the office of organist; and observed, that the right hon. gent. who had just sat down, and another gentleman, a member of that house, were proofs that a naval education did not render persons unfit for such offices as those he had mentioned. At any rate seafaring men might hold sinecure offices as well as any other description of persons, and it appeared that the barber of the hospital, Mr. Henry Clew, a Swiss, employed six deputies, and derived an income of 150*l.* per annum from his office, without having any duty to perform, but the superintendance of the shaving of the pensioners. He highly praised the labours of the naval commissioners, and of the hon. baronet in particular, and he was decidedly of opinion, that no person should be allowed to hold any office in either the Naval Asylum, or Greenwich Hospital, who was not a seafaring man.

Mr. *Lockhart* regretted that the hon. baronet had connected the two establishments, which were so different in their object and nature. The Naval Asylum had been instituted by public spirited persons, as strongly attached to the naval service as the hon. baronet, who had subscribed a sum of 50,000*l.* for the establishment. The proposal of the hon. baronet went to shew a distrust that men having acted under such motives, would not make regulations for its management in the same spirit. Such distrust might excite discontent in the navy, and a lukewarmness in those who had originated and promoted the institution. The commissioners were composed of 17 gentlemen of the navy, and 11 who had not been of that profession. The latter could not dictate any thing inimical to the interests of the navy, and he therefore thought that those who had framed the institution in favour of the navy, should not be deprived of their influence upon it by the vote of the hon. baronet.

Mr. *Ponsonby* observed, that the arguments employed applied only to that part of the motion which concerned the Naval Asylum, and not against that which applied to the carrying into effect the charter of Greenwich Hospital. That charter had, it appeared, been departed from, and therefore there was a necessity for the interference of parliament. He suggested, therefore, to the hon. bart. whether he ought not to separate the objects of his bill, and move, in the first instance, for a bill to regulate Greenwich Hospital; and afterwards, if it should be necessary, bring forward a motion for a bill to regulate the Naval Asylum.

Sir *C. Pole* acceded to the suggestion of the right. hon. gent. and confined his motion to the first object.

The *Chancellor of the Exchequer* as the question had been narrowed, should then only say, with respect to the Naval Asylum, that it would be competent to the hon. baronet to move an address to his majesty for the Regulations of the Commissioners, and to make them the subject of any further proceeding he might think necessary. But as to the remaining part of his motion, he did not think the house could agree to it, without having the charter of the hospital before it. It was as much the duty of the trustees, under the charter, to correct any abuses that might exist, as it would if an act of parliament were to pass for the purpose. But the question was, whether it would be desirable, if only a single candidate, who had been connected with the navy, should offer for an office, who might not be as well qualified as other candidates, that any peremptory order for his appointment should be enacted. He contended that there was no necessity for an act of parliament. The hon. bart. himself had been whilst in the office of a lord of the admiralty, in a situation to correct these abuses, and if he had not done so, it was not matter of blame to him, as he had followed the course pursued by his predecessors, and if any mischief had arisen, it must have been only from inadvertency on his part. The house he was sure would not accede to the motion, until it should have the charter of the Hospital before it.

Sir *John Newport* contended, that every statement of the right hon. gent. shewed the necessity of the bill. As abuses existed, it was highly necessary that an act of parliament should be made to correct them. And many of the trustees would be glad to be protected against the applications of their friends by the provisions of an act of parliament. The hon. baronet appeared to him to deserve the thanks of the house and of the country, for his accurate attention to the interests of a profession to which he was an ornament; and as to the unfitness of naval men for the offices in the Hospital, he never could forget that the late lord chancellor had been in that profession.

Mr. *M. Montague* stated, from his local and personal knowledge of an estate belonging to the Hospital, that no naval man, unless locally acquainted with the circumstances and nature of the property, could be capable of conducting or managing it for the interests of the hospital.

Mr. *Pole Carew* contended, that either there were rules in the charter, requiring persons holding offices to be seafaring men, or there were not; and that in either case, it would be necessary for the house to interfere, to allow qualified persons to be appointed, or to prevent persons not qualified from being appointed.

Sir *John Ord* could not agree to the motion, as he thought it could neither be consistent with justice nor promote the advantages of the institution, to take it out of the hands of the trustees.

Sir *F. Burdett* was extremely surprised at the opposition given to this bill, which was to remedy gross abuses acknowledged to be existing. All that had been said applied solely to the bill, the exceptionable parts of which, if any, might be left out. The principal object he had in rising, was to thank the hon. baronet for the course he was pursuing in spite of all obstacles. He could not suppose that the house could object to the introduction of the bill, because no negative had been given to the statement of the hon. baronet. He never had been more astonished, than at the frivolous objections which had been made to the motion. The object of the bill was to inflict a penalty on those who should violate the provisions of the charter, and he did hope, that the house would never come to any determination that would preclude the hon. baronet from bringing forward his bill.—A division then took place, For the motion, 52. Against it, 78. Majority, 26.

[MUTINY BILL.] The house resolved itself into a committee on the Mutiny Bill.

Lord *Castlereagh* said, he would explain shortly the reasons on which he was induced to recommend the proposition he intended to submit to the house. All the reasonings and statements connected with the Army were so familiar to the house, that he would have held himself bound, in regard to the time of the house, to offer his motion without any preface, if the right hon. gent. opposite (Mr. Windham) had not, very causelessly, in his opinion, taken alarm, as if this motion contained in it a principle ruinous to the military system introduced by that right hon. gent. a short time since. To many parts of the right hon. gent.'s system he had no objection; the inducements held forth to certain descriptions of men, by the liberty to engage for limited service and by the creation of additional pensions, he highly approved of. But what he complained of was, that the right hon. gent. considered his measure as prescriptive, to be preserved without addition or alteration, contrary to what had ever happened with respect to any other measure. He had no objection to limited service, and he had formerly promoted to a certain extent, engagements limited in space as well as in time. But why should limited service be in a manner enforced, to the total exclusion of unlimited service, even when the men were perfectly satisfied, and desirous to enter without limitation. On former occasions, the men for limited service were kept in separate battalions. The right hon. gent. mixed them. It was not intended to interfere with this any more than with any other part of the right hon. gent.'s arrangement. The right hon. gent. complained much of the change about to be introduced in the exclusive form of his measure: but no measure, no military system, could reasonably claim an exclusive and unalterable sanction. The right hon. gent. might hold himself discharged from all responsibility for his measure, after the alterations proposed to be introduced. All responsibility in matters of this kind, belonged properly, if not exclusively, to those who were bound to supply every thing that was deficient, to correct every thing that was vicious in the existing system. The house would form its judgment without any of that alarm which the right hon. gentleman felt, in his opinion without any ground. The right hon. gent. had no right to complain of this as a premature interference with his measure. The right hon. gent's. system was as prematurely and abruptly introduced to the abrogation of the Additional Force act, then growing into full efficiency. The right hon. gent.'s measure had been passed two years ago, and had been in operation twenty months; and when the returns should be examined, it would be found distinct from every other in this respect, that it made no addition to the prior strength of the army. From the year 1803, to the present time, the army had been, year after year, progressively increased from 232,000 men to 291,000, exclusive of 10,000 which were wanting to complete the militia, and which would be furnished in the course of the next month. In this progressive increase, the right hon. gent.'s administration had added but 6 or 7,000 men, which were derived from the Additional Force act, and therefore not to be attributed to the right hon. gent.'s measure. The regular disposable force was, in 1804, in number 141,000, and in 1808 it was 204,000; of which the right hon. gent. could claim credit only for the before-mentioned 6000, derived from the Additional Force act. In the 18 months preceding the commencement of the operation of the right hon. gent.'s measure, 30,748 men were raised. In the 18 months during which that measure had been effective, the number raised was only 26,040 being a diminution of 4,000. In point of comparative value it was to be considered, that of the preceding number 17,000 entered at once for unlimited service, and the remaining 14,000, though entering at first for limited service, afterwards extended their engagements without limitation. He repeated, that he was of opinion the principle of limited service ought always to make part of our military code; and he was satisfied, that without it, the numbers of our army could not be kept up. But let it be seriously considered, what would be the consequence of making it the exclusive principle. With no less than 90,000 men now employed in foreign and colonial service, how would it be possible to maintain an efficient army in our distant possessions, if it would be necessary to bring home the men at the termination of a short period of service. Every soldier sent to India cost 100*l.* for his conveyance out and home; and if a regiment was to be sent out, the whole, or the greater part of which would be to be brought back at the end of 3 years; he begged the house to consider how little service would be had for so enormous an expence. He allowed, that a limited engagement might answer very well for European service. But all he wished was, a fair option to the individual to form his engagement, so that some portion of our army, and that as large a portion as might be, should consist of men engaged for life. Let it be considered how large a portion of our army was already engaged for limited service only; and here he could not help expressing his satisfaction, that it was not now the object of consideration how an army was to be raised, but how a very flourishing army already in existence should be maintained. The present regular army of the line consisted of 204,000 men, and he was sorry to say, that of these, including the men enlisted under the right hon. gent.'s measure, full 70,000 were engaged for limited service. The number raised under the right hon. gent.'s measure was 26,000, and they were all for limited service. All the foreign corps were, from their origin, engaged for limited service; the garrison battalions were also limited; and the volunteers from the militia, with the exception of 6 or 7,000. It was matter of very serious consideration, to think that the 36,000 enlisted this year would all be entitled to their discharge at the same period, seven years hence. It was also very material to consider how this principle, if exclusively acted upon, would affect our peace establishment. Supposing a peace establishment of 100,000 men, and 36,000 of these to be discharged in one year, and a war to follow in that year or the next, what would be the state of the country. He contended that the right hon. gent.'s measure would not cover its own waste, and that of the army in general. He maintained that the enlistment for life of those who, on having the option should prefer engaging for life, would not discourage others from engaging for years. He could not understand how good faith was violated, when no extension of an existing engagement for limited service was demanded or allowed, and when all that was intended was to allow a liberty of a larger engagement to those who were free and willing to make it. The right hon. gent. opposite might say, that though the ordinary recruiting under his measure was not equally productive as the ordinary recruiting before, combined with the Additional Force act, it was superior to the previous ordinary recruiting alone. Certainly so it was; but then the Additional Force act was becoming every day more productive, when it was repealed. The ordinary recruiting was made more productive under the right hon. gent's plan, by multiplying the number of recruiting parties beyond measure, and also by the threat of reduction held out to the 54 additional battalions, unless they should complete their establishment to 400 men each before six months. One part only of the right hon. gent.'s plan was not speculative, and that was the permanent burthen of 450,000*l.* a year which it imposed on the country, in the shape of additional pensions, an incumbrance which must increase continually. These reasons, he conceived, would be fully sufficient to satisfy the committee of the propriety of not depriving such men as were inclined, of a fair option to enlist for life. He therefore moved, that a clause be introduced allowing that option.

Mr. *Windham* spoke at considerable length against the clause, the substance of which he contended, was not only mischievous in itself, but also as it was intended to do away the system established two years since with the full approbation of the house, after long and deliberate consideration and mature discussion.—He objected to the mode in which that system was thus covertly undermined, by those who did not dare to make it the object of open attack. A clause of this kind was rejected in 1806, because it went to counteract the general effect of the measure; and a great part of the house had declared the same opinion since. He did not complain that this proceeding was brought forward in the shape of a Clause in the Mutiny Bill, but that it was brought forward in so late a stage, without any notice, and at a time when the Mutiny Bill must be passed with so little delay as to allow no adequate length of deliberation or discussion. It was only on this day se'nnight that an indistinct declaration of his intentions on this head was wrung from the noble lord by him; and only last night that he had seen the noble lord's motion in the form in which it was to be offered to the house. His measure had been, like the present, brought forward in the shape of a clause in the Mutiny Bill. But the nature of that measure had long before been detailed to the house, and the clause itself had been printed and circulated among the members, and repeatedly discussed, long before the house was called to decide upon it. The present proceeding was like putting a parcel into the hands of the driver of a stage coach, while he was yet going on, with a hint that he should suffer no one to examine its contents, but plead, against every call to stop, the lateness of the hour and the necessity of his arrival at the appointed minute. It was a species of proceeding which he supposed he must not call a trick, but which, in strict legal definition, he must be allowed to call a fraud, if a fraud was *quod aliud agit, aliud simulat.* The clause now proposed, by gradually changing the enlistment from limited to unlimited service, would go to undermine and destroy the system introduced two years ago. The effect of the clause would be most important, and the house ought to have the fullest notice and the fairest opportunity of considering it in all its bearings. He reminded the house, that when, on a memorable occasion, some propositions were made with respect to Catholic soldiers, to which no objection was foreseen at the time, upon its appearing afterwards that objections might be expected, the propositions were withdrawn from the Mutiny Bill, and put to the sense of the house in a separate bill. It was disgraceful that the present measure should be brought forward in the present form. He was glad to find that the noble lord had so far corrected his former sentiments, as to allow that it was material to the army to allow the liberty of engaging for limited service. The noble lord and his friends had formerly contended, and contended with great vehemence, that the men who embraced the profession of arms were equally ready to enlist for life as for a term of years. He was now compelled to abandon this opinion; yet could not prevail upon himself to relinquish it altogether, but, by the most absurd of all arrangements, would have part of the army on one footing, and part on the other. Did the noble lord intend that the men engaged for unlimited service should be kept in distinct bodies, and appropriated to foreign service. It would be easy to see the inconveniences that would result from that course, and the impossibility, indeed, of executing it. As the numbers were to be unequal, how were they to be distributed between the two battalions? On the other supposition, the discontents that would prevail in the army, and the injuries that would be done to discipline by having men enlisted, in an inconsiderate moment, for unlimited service, along-side men who were engaged only for a term of years, were too striking to require elucidation. He would come now to the statements, as set forth on a paper printed by consent at the close of the last session, and arranged in opposite columns for the greater convenience of comparison. The noble lord denied him the credit of making any addition to the army. It was a credit that he had never claimed. His measure had been in full operation, not, as the noble lord had said, for eighteen months, but for twelve; and during those twelve months, such had been its effects, and such, above all, the manner of producing those effects, as might leave to the advocates of the measure, nothing to be required, however much might have been expected, from the result of any further trial. In the first quarter, it had produced at the rate of 11,000 men a-year; in the second quarter, at the rate of 13,000; in the third quarter, at the rate of 21,000; and in the fourth quarter, at the rate of 24,000. It was certainly no little praise that it so soon equalled the effect of the ordinary and extraordinary recruiting which was in force before it; and the manner in which it effected its purpose, was, in itself, sufficient to give it a superiority over the measures which were now brought into comparison with it. The noble lord's boast, that his measures had done as much, was much the same sort as that of gentlemen known at Astley's and Hughes's by the name of Mr. Merryman, whose office in the piece was to repeat whatever had been done by the leading performer, but with the omission of the only circumstance which could render the feat of any value. Should the principal tumbler, for instance, throw what is called a somerset, that is to say, turn heels over head in the air, Mr. Merryman instantly rolled over on the floor, upon his head and his breech, and then looked cunningly round to the spectators, as who should say, have not I done the same thing. If the rider at any time vaulted into the saddle by placing his hand on the pommel, Mr. Merryman climbed up by the mane or the tail, and triumphed in the idea of his being equally seated. It was the merit of his measure that it raised the men by the ordinary recruiting alone; while the measures with which it was compared, procured them by means expensive and violent, and which exhausted the sources of recruiting in future. The comparison between the extraordinary measures of other administrations, and his measure, was just the same as that of a man with 100,000*l.* capital, with a man having 40,000*l.* a-year. The former could exceed the other for a period, even of a couple of years, by 10,000*l.* a-year; but, at the end of that time, the capitalist would be in gaol, while the other would be jogging on at the same undiminished rate of 40,000*l.* a-year. His measure had been but twelve months in force, when its produce equalled that of the prior ordinary recruiting and the additional force act together, during the six months that they were most productive. When the noble lord talked of 36,000 men from the militia, it should never be lost sight of that many of these were enlisted into the militia as substitutes, costing, at times, 60 or 70 guineas, to which was to be added, the further bounty for entering into the line. As to the reflection on the number of boys inintroduced under his measure, he knew not on what the idea was founded. The system of limited service had apparently no more tendency to get boys instead of men, than other systems had to get boys instead of girls. If there was any such tendency, it would be the highest recommendation of the measure, as it could proceed from nothing but the greater readiness with which parents would part with their children, when there was a hope of their return, than when they considered the service as carrying them away for ever. On this topic of boys, he should be glad to know if what he had heard was true, that in certain militia regiments, some of them not far from the place in which he was speaking, there were not only numerous boys received, but paid also in a way different from what they were in the army, that is to say, placed upon full pay. As to the increased allowances from Chelsea, that was a measure which stood on its own grounds, and required to be adopted on the bare considerations of justice and humanity. An attempt was made to account for the success of the late system by the increased number of recruiting parties, and an insinuation conveyed at the same time that they were encreased for the purpose. The multiplication of recruiting parties arose, not from the government, nor from any desire to promote the execution of his measure; it proceeded from a quarter decidedly adverse to his measure. It was besides well known, that the multiplication of recruiting parties beyond a certain proportion, diminished, instead of increasing the number of recruits; the competition so excited was not of that sort by which, as sometimes happens, production was increased, but that of which the only effect was, to add to one what was taken from another. Nothing could betray more a want of correctness in thinking, than the mistake that prevailed in this respect. The persons who urged this topic fell to work like school boys, and said, if so many recruiting parties will produce so many men, how many more will be produced by a number so much greater: but they forgot the condition, that the parties must have enough to work upon, and that, without that, they could only pull against one another. The fifty-four second battalions, let it be remembered, to which allusion had been made, were created by the preceding administration. With a full establishment of officers, and no men, they could not be left a burthen on the country. It was hard to oblige the officers to complete the numbers to a certain amount: but it was a hardship that was necessary; and when the increase was called for, it was inevitable to allow the regiments to send out their parties. The permission given to the Irish militia to volunteer, and the competition between the regiments, each seeking to get its share, was another cause of the multiplication of recruiting parties; and in all those cases the government had nothing to do with the matter. With respect to the desertions, the number had decreased under his measure. Without troubling the house with figures, he would generally say, that from the commencement of the year 1805, to the introduction of the late system in the middle of 1806; whether the trial were made by quarterly periods or half yearly; whether in G. Britain alone, in Ireland alone, or in G. Britain and Ireland taken together; whether by head quarters recruiting, or district recruiting, or by the two combined, in whatever way the comparison was; the regular recruiting had gradually declined; that after the introduction of that system it had gradually increased, and that since the noble lord came into office, it had again gradually declined. In the last half year of the last system, the ordinary recruiting alone had beat the ordinary recruiting of the corresponding period in the preceding year, with the Additional Force Bill into the bargain. The former exceeded 11,000 men, while the latter only rose to something above 10,000. This new proposition would not get a man more for the army, but on the contrary, would go to keep many men out of it. On this head, some deference was due to the authority of himself and his friends on the subject, as the measure which the clause meant to affect originated with them, and as they had distinctly declared, and shown by their conduct, that they thought that such a clause would destroy the effect of the measure. The military plan which he had proposed, proceeded on the principle of meliorating the future condition of the soldiers, by the prospect of future advantages, it was necessary therefore that confidence should be inspired into the people to give it its due effect. But the clause now proposed went to destroy confidence and to diffuse distrust. If it was expected from what had been said the other night by a noble lord, it was intended eventually to allow those soldiers who had enlisted for a term of years, to change that term for life, this would be an atrocious breach of faith; for the prohibition which now existed was the protection of the soldier, and were it to be removed he would be exposed to the solicitations and ultimately to the vengeance of his officers. After arguing at considerable length on these topics he concluded, by expressing his hopes that the house would rise with one common feeling of indignation against the insidious attempt, which was made without any plausible pretext whatever, to destroy that which after deliberate and repeated discussion had received the solemn sanction of parliament.

General *Tarleton* said, that in any other country he should think the principle of limited service a good one; but in this country he thought it would be dangerous to adopt it, on account of the extent of its colonies. There was likewise another point of view in which he considered it as very objectionable, namely, the necessity that there was of having a large army at all times in readiness to oppose those schemes of invasion which it was beyond a doubt Buonaparte never for a moment lost sight of, in the prosecution of the present war. The hon. general, however, did not confine himself to the question immediately before the house, but availed himself of the latitude of debate permitted in a committee, to take a general view of the defence of the country. And in order to establish its security on a firm basis, he was of opinion that it would be highly expedient to assemble all the regulars, militia, and volunteers, in different camps round the metropolis, and there to keep them in constant exercise, so that when the hour of danger came, every man might know his place. He wished also, that a part of the artillery should be thrown into the rear of the army; and, for this purpose, he should be extremely glad if the half of Woolwich could be transferred to Nottingham. From England the hon. and gallant general passed over to Ireland; and, for the defence of that country, he proposed, that four different corps-d'armée should be formed and stationed at Dublin, Athlone, Mallow, and Brough. From Ireland he passed to America, and, in contemplating the possibility of a war with that country, he thought that it would be right to set up an army in Canada. From America he passed to the East Indies, and recommended the precautions necessary for frustrating the projects of Buonaparte upon our possessions in that part of the world. Glancing at the present situation of Sweden, the hon. general pronounced it to be his opinion, that no British troops should be sent to the aid of our ally; but that he should be supported by large pecuniary succours, and by the German legion, the casualties of which would be more easily supplied abroad than in this country, as it consisted entirely of foreigners. The rest of the army ought to be concentrated in England and Ireland; for, in one or other of these countries, the battle must be fought, and thither, we might depend upon it, all the force which he had employed upon the continent would be sent. The heart and entrance of the kingdom ought therefore to be guarded with the utmost vigilance. When Buonaparte invaded our shores with his numerous and formidable legions, would it be sufficient to oppose to him Magna Charta, our constitution, or a friendly and conciliating opposition? It would, perhaps, be objected to him, that military men were fond of war; but the hon. general assured the committee, that this was by no means the case; at least he, individually, was not fond of war, though he had fought and bled, and was ready to die in defence of his country. On these grounds the hon. and gallant general gave his decided support to the clause of his noble friend, empowering recruiting for life.

The *Secretary at War* was not sorry for giving precedence to the gallant general. The sentiments that fell from him were just and correct, and he fully concurred in them. It was not his intention to follow the right hon. gent. (Mr. Windham) through the long speech delivered by him, which was as usual characterized by brilliancy and eloquence. The right hon. gent. had dwelt at considerable length on the shortness of the notice given, and on the mode of proceeding adopted; but when it was considered that this subject had been frequently before debated, and had excited much of the public attention, he trusted the house would feel that the notice given, which was upwards of a week, would be deemed reasonable. The principle of the amendment was to remedy a very serious inconvenience, which would arise from the army being deprived of a great number of men, who, had they the option proposed, would continue in it. He contended, that this would remedy the evil to be apprehended to the public service, which would materially suffer without its adoption.—A division then took place, when there appeared for the clause proposed by lord Castlereagh 169; against it 100; majority 69.

HOUSE OF COMMONS.

Wednesday, March 9.

[EXCHEQUER BILLS.] The house went into a committee of ways and means.

The *Chancellor of the Exchequer*, in pursuance of the notice he had given on a former day, was about to propose to the house, to fund a certain portion of the Exchequer Bills now outstanding. The object he had in view, was to fund four millions of these exchequer Bills; and as the five per cent. stock was that with respect to which the contractors for loans made most difficulty, being desirous, as much as possible, to exclude it from their bargains, and to make their biddings as much as possible in the three per cents. he thought a considerable facility and advantage towards the negotiation of the ensuing loan would be gained, if it could be so arranged as that these 4,000,000 *l.* of exchequer bills should, as far as possible, be funded in five per cents. This would take off from the loan the weight of five per cent. stock, which was considered by the subscribers as a dead weight on the three per cents. and of course rendered the biddings less favourable than they would otherwise be. The loan would not be contracted for before Easter, and of course the sinking fund on this part would be free till that time. This arrangement would afford 4,000,000 *l.* towards the supply, and would so far reduce the loan for the year. Though all the supplies for the year were not yet voted, and of course it was not possible exactly to determine the amount that would be wanted; yet there was reason to think, that the amount of loan of exchequer bills, out of the market, would not be more than 8,000,000 *l.* for England. This sum being considerably under what the sinking fund for the year would be able to discharge, it was reasonable to conclude, that the loan may be negociated under terms of extraordinary advantage, particularly when the present arrangement should be disconnected from the loan, and brought into the market at separate times. The facility which he hoped would be given by taking the five per cents. out of the loan, would also be a mutual advantage. He proposed to give an option to the holders of exchequer bills, to subscribe them either wholly in five per cents. or partly in five and partly in four per cents. As the advantage to the public from a subscription in five per cents. was so such greater, he proposed to allow an exchange of 105*l.* five per cents. for every 100*l.* exchequer bills, the interest to commence from the 5th of Jan. If the subscription should be made jointly in five and four per cents. the rate he proposed was, 50*l.* of the latter, and 63*l.* 4*s.* of the former: the interest to commence on the 5th of April. If the whole 4,000,000*l.* should be funded in five per cents. the capital to be provided for would be 4,200,000*l.* If the funding should take placed in mixed stock in the proportions he stated, the amount of capital would be in five per cents. 152,559*l.*; in four per cents. 100,000*l.*; making together 253,159*l.* He then made a statement of the charges of management and sinking fund, according to both arrangements. In a comparison of the relative advantage of the terms with an investment in the three per cents. he allowed that a fall of something about one per cent. had taken place in the five per cents. in consequence of the knowledge of the intention to make this addition to the amount of that stock. But a proportionate fall would take place in the three per cents. if it were fixed that that stock should be the medium of the funding, and the capital to be provided for in that stock, according to a calculation on the most accurate principles, would be 4,253,657*l.* He then moved, that for every 100*l.* exchequer bills, funded on the 18th of March, there be allowed a capital stock of 105*l.* five per cents. bearing interest from the 1st of Jan.; or a joint stock of 63*l.* 4*s.* five per cents. and 50*l.* four per cents. bearing interest from the 5th of April next.

After a short conversation, the resolution was agreed to; and also another, limiting the amount of exchequer bills to be thus funded to 4,000,000*l.*

[Conduct of Marquis Wellesley—Oude Charge.] The order of the day being read for resuming the adjourned debate on the Oude Charge,

Lord *Folkestone* rose, and began by stating some alteration in his Resolutions. He then observed, by way of preliminary observations, on the complaint made by marquis Wellesley's friends of the delay in bringing forward this question. For his own part, he had used as much haste as was consistent with the importance of the subject, and the time indispensably necessary to read and maturely consider the voluminous documents produced and printed on the subject. He also disclaimed any attempts to prejudice the public mind against marquis Wellesley by means of the press; but he doubted extremely whether the friends of the noble marquis could say as much. He had seen but three pamphlets on the subject, only one of which appeared in any degree hostile to the noble marquis; and the other two were written to bias the public mind in his favour, and were distributed gratis, not only to the members of that house, but in like manner through all the principal taverns and coffee houses in London. Even some of the Resolutions which he himself had first offered to the house, had been published in the Papers with Alterations and Comments; and this publication he could with certainty trace to the friends of the noble marquis, from the circumstance, that they were precisely in the form in which he had transmitted these Resolutions to them, but in which he had subsequently made some verbal alterations. He did not complain of this; he left the house and the country to judge of the fairness and decency of such a proceeding, and of the strength of the cause which required such assistance; but he did say, that those, who held such a conduct themselves, should have been the very last to cry out at any attempts to prejudice the public mind.—All attempts, however, of the sort he utterly disclaimed for his part; and he equally denied the knowledge of any such by any other person.—Having premised thus much, the noble lord proceeded to his Charges against the noble marquis, to which he entreated the serious attention of the house. If he should not be able to establish this case, no man would more sincerely regret than himself that he had ever trespassed upon the time of the house; but should he be able to sustain his case, he trusted the house would give to it the gravest consideration, and adopt those measures which a sense of public justice and national honour should dictate, unbiassed by feelings of favour or prejudice. The noble lord then proceeded to recapitulate the circumstances, under which the interference of marquis Wellesley in the affairs of the reigning Nabob of Oude originated; which interference terminated in the violation of a solemn treaty between the East India Company and the Nabob, and, by depriving that prince of all authority whatever and controul within his own dominions, left him entirely at the mercy of the East India Company. In this case, the house were called on to judge between the noble marquis and the nabob; but he begged the house to recollect, that, in truth, there was only one party before them. The marquis Wellesley had every advantage. The case was to be tried on his own grounds: the only documents, his own account of the transaction. He was before the house, if not in person, at least represented by friends and relations, persons bound to him by ties of blood, by friendship, by services, by obligations. The nabob, on the other hand, had no representative but such as the justice of his cause and the cruelty of the oppression he had suffered had called forth. He had no means of telling his story; no opportunity of producing his proofs. The house ought to look with a partial and indulgent eye to his case. However, as the advocate of the nabob, he asked for nothing but justice; sheer naked justice—justice founded on the facts as lord Wellesley had himself related them; and he was sure that, if the house would but give a fair hearing to the case, these facts thus detailed would be sufficient to induce the house to mark, with the severest reprobation, the conduct of the noble marquis: he hoped, too, to afford some relief and mitigation to the unfortunate nabob.—Lord Folkestone then proceeded to comment upon the treatment which the nabob had experienced from the hands of lord Wellesley, as detailed in the papers on the table of the house; and, taking the course he had pursued in his Resolutions, to make good the grounds on which they were founded.—In 1798, the nabob ascended the musnud of the province of Oude, and on that occasion entered into a treaty with the East India Company; which, being the last compact between the two powers, must be considered as the rule of their future connection. It was a gross disgraceful breach of that treaty with which lord Wellesley was charged — a breach unaccompanied by any circumstances of excuse or palliation, inasmuch as the other party, the nabob, on his side ever showed himself a scrupulous and attentive observer of all the provisions of it.—The treaty of 1798 provided, that the entire defence of the territories of Oude, as well against internal, as against external enemies, was to rest with the Company, in return for which the nabob was to pay, by monthly instalments, an annual subsidy of 76 lacks of rupees, or 912,000*l.* sterling; that for this purpose of defence the Company should constantly retain in Oude a force of from 10 to 13,000 men; and that if at any time the defence of Oude required the presence of more than 13,000 men, the nabob should defray the expence of the difference.—By this treaty it was further stipulated, that if at any time the monthly instalments of the subsidy should fall in arrear, the Company should then require security for the future regular payment of the same.—All political power, and even all communication with other states, was taken from the nabob; but full authority over the internal affairs of the country, " over his household affairs, hereditary dominions, his troops, and his subjects," was left to him by the express words of the treaty.—The house should observe the circumstances under which this nabob mounted the musnud. By the interference of the Company in behalf of his hereditary right, his predecessor, an acknowledged usurper, was removed.—But it is to be observed that this man, probably conscious of the weakness of his title and the instability of his tenure, had endeavoured to acquire the affections of the troops by unbounded largesses, so that, when the change took place, the new nabob found them discontented at the change and disaffected to his person. —Again, the two preceding reigns had been signalized by great profusion and expence; the affairs of the country had been neglected, its finances dilapidated, agriculture neglected, the treasury emptied, and the most burthensome taxes imposed on the people. —Under these circumstances, considering the close connection subsisting between the Company and the Sovereigns of Oude, it was manifestly desirable to the former that a new and amended system of policy should be adopted, and a reform established in the civil and military arrangement of the country.—It certainly was no less the interest of the nabob—it was his wish too—we have frequent expressions of that wish; aye, and actions too in conformity therewith, notwithstanding all the accusations of lord Wellesley to the contrary.—According then, to this evident interest of the two contracting parties, an article was inserted in the treaty of 1798, that such a reform should be set about, and that the nabob should advise with the Bengal government on the occasion. The nabob, on his part, faithfully acted according to this stipulation.—Numerous are the passages in the papers to which I could refer for proof of this assertion.—I will, however, only detain the house with one. It is a passage in one of Col. Scott's letters; " the assertion made by his excellency of its being his desire to dismiss or get rid of his present troops by degrees is, I believe, strictly true; and consistent with that intention, he long ago prohibited the filling up of vacancies; so that the battalions called regular, excepting those under Almas, are not more than half their complement of men." And the house must not suppose that this exception of the troops of Almas was any contravention to this agreement; they are the troops which sir J. Craig on his evidence states he could alone depend upon in the hour of danger; and the avowed disposition of their leader to appear independent of the nabob, and to look to the protection of the British, preclude the possibility of any favour having been shewn to him from improper motives.—Equally punctual was the nabob in fulfilling the other stipulations of the treaty. The subsidy was paid regularly to the day. This is over and over again acknowledged by lord W.; and we have col. Scott's own testimony, that " the nabob was determined in all things to fulfil, with minute regularity, his peculiar engagements with the Company. So much for the nabob; now for the Bengal government; four months had scarcely elapsed, from the signature of the treaty of 1798, when lord W. arrived in India; and he forthwith forms a plan in direct opposition to the provisions of it, " for the total reduction of the troops of the nabob." Other affairs, however, of importance prevent his lordship from proceeding immediately in the business; and it was above a twelvemonth before any scheme of the sort was brought to maturity. At that period, however, having overthrown the power of Tippoo, he began to take steps for the purpose of putting into execution his project in Oude. With this view he orders troops to march into the country.—The professed object of their introduction, was defence against the threatened invasion of Zemaun Shah; but the real reason being so to overburthen the treasury of the nabob, as to compel him to disband his own forces; for the house will recollect, that those additional troops were to be paid by him. There was, however, another convenient motive with lord W.; the relief of the Company's finances. In vain did the nabob remonstrate against this measure; in vain did he plead the provisions of the treaty. Lord W. argued, that he was bound to defend him; and that it was impossible for him to do so, unless he maintained, in his dominions at all times, forces sufficient to contend against the most distant and improbable contingencies. The house doubtless will be astonished at such an argument being gravely stated and seriously urged; yet so it is, and on no better foundation were troops poured in upon the unfortunate nabob, till he was actually compelled, in order to find money for the payment of them, to disband his own troops. This resolution being once adopted, the work was proceeded in with diligence. No proposals of Scott's were objected to; the nabob patiently acquiesced in every suggestion, and things went on under his sole direction. One should therefore have hoped that the Bengal government would now at length have been satisfied, the means of security, which they wished for, were obtained, the interference, which they thought necessary, was accomplished; their troops were in possession of the country, and the nabob's power and person at their mercy. Not so, however, could lord W. be satisfied.—The country was exhausted, and there was danger that, at some time, the subsidy would not be regularly paid. Harrassed by renewed and increasing applications, the nabob at length expressed apprehensions to this effect; he in truth accompanied it by assurances of his best endeavours to remedy the danger, and an offer to lay open the state of his affairs to col. Scott, and to consult with him how to provide the necessary funds. Overlooking this fair offer, lord W. could see nothing but the danger, which he immediately pronounced to be imminent and alarming, and such as to be removed by nothing but a cession of territory, the annual revenue of which should equal the full amount of the subsidy. Indeed, another proposition of a still more extensive nature was pressed, over and over again: "the transfer to the Company of the exclusive management of the civil and military government of the country" was asked for; but, notwithstanding all his efforts to obtain this *reasonable* request, lord W. was disappointed. It will not be necessary to detain the house by a narration of all the negociations which arose upon these demands; suffice it to say, that after a very protracted negociation, in which, on the one side, is displayed all the arts of chicanary, accompanied with threats the most undisguised, and language of reproach and reviling the most contemptuous and unmerited, while on the other, patient forbearing, and earnest supplication were alone manifested, the unhappy nabob was compelled to yield to the Company a portion of territory of the alledged annual income of one crore and 35 lacks of rupees, or 1,620,000*l.* in perpetual sovereignty, and to deprive himself even of all efficient government over the remainder. This forced cession was finally settled by the treaty, as it is called, signed at Lucknow in 1802. "I do not wish," said the noble lord, "to detain the house, but I must offer a few observations on these proceedings: 1. The house will observe, that by the treaty of 1790, the Company were bound to maintain, at all times, in Oude, a certain number of troops; and, in case of necessity, to supply a larger number for its defence: That the constant stationary number was to be paid for by a fixed subsidy, and the increase by a proportionate increase of payment. Now it will appear evident, I think, that there could be no right to pour into Oude, and to burthen the nabob with an increased number, unless a real, *bonâ fide,* danger existed. Any such danger was so far from existing at the time when lord W. poured his forces into the country, that an attack of a pretended Golaum Hadier was made the pretext for the introduction of troops; and was persevered in even after his defeat and death had removed the possibility (probability there never was) of any danger arising from his arms. And, indeed, lord W.'s justification of this increase of troops in Oude is sufficient to prove the injustice of it. "It is impossible, says he, "to defend the country, (which I am bound to do,) without maintaining, at all times in it, a force sufficient to resist remote and contingent danger." A more preposterous doctrine was surely never maintained. And let us see how he himself afterwards acted upon it. By the territorial cession he obtained revenues sufficient to provide pay for troops kept up to the number so required; did he then keep them up to that extent? No; not only did he never send that number represented by him as absolutely necessary for the defence of Oude; but on one occasion, when the nabob expressed a wish that, at least in return for the sacrifices he was about to make, he might have the security of such a defence, lord W. not only resists this demand as an injurious suspicion of the means of the Company, but enters into a long argument to prove that he had no right to expect such protection. 2. The house will observe that, by the treaty of 1798, the East India Company were only entitled to demand security for the future regular payment of the subsidy, when already fallen into arrear. The territorial cession was demanded as such security, but no arrears having been incurred, the demand was, by the terms of the treaty, premature and unjust. 3. It must be observed, that the demand of territorial cession, to the extent of one crore and 35 lacks, or 1,620,000*l.* was calculated on the concurrence of various contingencies; the necessity of the presence of troops to quell the disturbances supposed likely to arise from the bad police of the ceded provinces; and to resist the invasion of Zemaun Shah; but demands were at the same time urged, which precluded altogether the necessity of these payments; in the first place by the treaty of 1802, the company reserved to themselves the right of superintending the police of the nabob's remaining territories; and at the time of the signature of the treaty, not only was there no prospect of invasion by the Shah, but all future danger of the kind was removed by his death and the dismemberment of his dominions. 4. It is to be observed, that the value of the ceded provinces was taken at a reduced and low rate; that they immediately rose in value, and have regularly been returned as producing more than the revenue at which they were estimated; so that on their own shewing the Bengal government have extorted more than, on their own principle, they had any right to demand. 5. It should not be omitted that, during the whole of the negotiations recorded in the Oude Papers, not only the utmost hauteur was constantly employed towards the nabob, but, at various times, demands of the most unjust and exorbitant nature were made on him; at one time the expences of an embassy to Persia; at another, demands for payment of troops; the data on which such demands were made, being avowedly false; the different corps being calculated as complete, though they were acknowledged not to be so; and the presence of the corps themselves being extremely doubtful. 6. There is another proceeding which makes a great figure in these papers, but which, as it does not finally affect the termination of the business, I have not insisted on.—I mean the negotiation set on foot in consequence of a proposal of the nabob to abdicate; of which I shall only say, that the conduct of lord W. on that occasion, seems to me altogether such as would have justified any jealousy of his interference, and suspicions of his motives, which the nabob might subsequently appear to have entertained." — After urging all these points at considerable length, lord Folkestone concluded by exhorting the house to banish from their minds all feelings of affection and partiality, and do justice between the parties whoever they might be; and moved the First of the following 12 Resolutions: viz.

1. "That it appears to this house, that on or about the 21st of Feb. 1798, the nabob, Saadut Ali, ascended the musnud of the province of Oude; and that he then entered into a treaty with the East India Company, whereby it was agreed, that the said Company should defend his territory against all enemies whatsoever, and for this purpose should constantly keep up, in the province, a force of not less than 10,000, nor more than 18,000 men; in return for which defence, the said Company was to receive from him an annual subsidy of 76 lacks of rupees, paid by monthly kists, (or instalments): that in case the defence of the country should at any time demand a greater number of the Company's forces than 18,000 men, the nabob should defray the expence of the difference; that, in case the monthly kists should fall in arrear, the nabob should undertake then to give security for the future payment of the same; that the said nabob should maintain correspondence with no foreign state, unless with the knowledge and consent of the Company: but that he was to be allowed to 'possess full authority over his household affairs, hereditary dominions, his troops, and his subjects."

2.—"That it appears that the nabob's

forces were composed of disorderly troops, unaccustomed to the rules of good discipline, and disaffected to his person;—that the nabob himself was extremely desirous to remedy the defects of their constitution, and to bring them into good order;—that, for that purpose, he made frequent applications to the government of Bengal, through the resident at Lucknow, for advice and assistance in forwarding this object, and in default of their co-operation, did himself adopt such measures as in a short time reduced his different regular battalions to 'half their complement of men.'"

3.—"That it appears that the nabob was scrupulously punctual and regular in the discharge of the monthly kists (or instalments) of the subsidy; and that 'whilst 'he was determined to fulfil with minute 'regularity the peculiar engagements with 'the company, his views were directed to 'the enjoyment of a full authority over 'his houshold affairs, hereditary dominions, and subjects, according to the most 'strict interpretation of the clause of the '17th Article of the Treaty executed at 'Lucknow.'"

4.—"That it appears that notwithstanding this good disposition of the nabob, the marquis Wellesley, soon after his arrival in Bengal, formed a plan for 'the total reduction of the troops of the nabob, with 'the exception of such part as might be 'necessary for the purposes of state, or 'the collection of revenue;' and, on or about the 5th of Nov. 1799, proceeded to take steps for putting the same into execution;—that, for that express purpose, he ordered troops to march into the territories of the nabob, and to take possession of particular posts in the same; and that he persisted in this measure, though it was not even insinuated that any danger from foreign invasion existed at the time; and, though 'the late defeat of the pretended Gholaum Hadier had considerably 'weakened the pretexts which his assembled numbers and first success afforded;' in opposition to the remonstrances and wishes of the nabob, and in direct violation of the spirit and stipulations of the treaty."

5.—"That it appears, that the said troops were so marched into the province of Oude, under the belief that the funds of the nabob being insufficient to defray this additional charge, he would be thereby compelled to disband his own troops;—that accordingly, about the 18th of Dec. 1799, the nabob having vainly attempted by intreaties and remonstrances to prevent the measure, did at length give a reluctant consent to the dismissal of his battalions; and on the 20th of Feb. 1800, issued orders to that effect;—that from that time, so far from creating obstacles or throwing difficulties in the way of their dismissal, he 'readily adopted every proposition' made by the resident for that purpose; so that by the month of Dec. 1800, twenty-three regular battalions and upwards of 1,200 horsemen had been discharged."

6.—"That it appears, that on or about the 22nd of Jan. 1801, the marquis Wellesley proposed to 'interfere more actively and decidedly in the affairs of the 'province of Oude;' and that he accordingly directed the British resident at Lucknow, to offer to the nabob two propositions, either, first, 'to transfer to the 'company the exclusive management of 'the civil and military government of the 'country;'—or, 2ndly, 'to cede to the 'company in perpetual sovereignty, such 'a portion of territory as should be fully 'adequate, in its impoverished condition, 'to defray the amount of the subsidy 'to the full extent of the augmented 'force.'"

7.—"That it appears, that the nabob positively and repeatedly rejected both these proposals; but that he was finally compelled, by threats and menances, to yield a portion of territory of the alledged annual income of one crore and 35 lacks of rupees, in the terms of the second proposition; and furthermore, to bind himself to establish in his remaining dominions, a system of police under the advice and controul of the company's officers, and in all affairs to submit to the opinion of the British resident."

8.—"That it appears, that the demand of a territorial cession was made under the pretence of obtaining security for the regular payment of the subsidy; but that the nabob Saadut Ali was always punctual, not only in discharging the monthly kists, but also in satisfying the further demands made upon him on account of the additional troops, and incessant in his applications to the British resident for advice and assistance in providing permanent funds for the payment of the same; and that therefore the said demand of territorial cession was unjust, and in direct violation of the provisions of the treaty."

9.—"That it appears that, pending the negotiations respecting the territorial cession, demands were urged upon the nabob for arrears of payment of troops, unjustifiable in their principle, and exorbitant in their amount, calculated upon the principle of 'including every fixed and contingent expence for buildings, camp equipage, &c.;' and 'on the supposition that the corps were complete;' though it was confessed that they were not so, and claimed upon grounds inconsistent with the true spirit of the treaty."

10.—"That it appears, that the demand of territory in perpetual sovereignty, to the amount of one crore and 35 lacks of rupees of annual revenue, was exorbitant and unjust, inasmuch as it was perpetual possession in annual income to the full amount of a temporary and occasional demand; and inasmuch as the said temporary and occasional demand was in part calculated on the supposition of the necessity of the presence of troops—1st, to overawe the licentious disposition of the nabob's battalions, and to repress the disorders arising from the bad police of his reserved dominions; which necessity was however removed by the very treaty itself, whereby the nabob was bound to disband all his troops not necessary for the purposes of state, and of collection of revenue, and to establish in his reserved dominions a system of police, under the advice and controul of the company's officers; and, 2ndly, to defend the province of Oude against the dangers arising from the invasion of Zemaun Shah, though the nabob was at the same time called upon by the marquis Wellesley, to defray a 'proportion of the expences attending the embassy into Persia,' which had been employed 'in negociating there an arrangement to prevent any return of the same danger.'"

11.—"That it appears that the demand of the specific territory of the alledged annual revenue of one crore and 35 lacks of rupees, was exorbitant and unjust; inasmuch as it was capable of immediate increase, and actually did yield, in the year immediately succeeding, the actual revenue of one crore and 57 lacks of rupees; and the settlement thereof for the 3 next succeeding years was at the average annual amount of one crore and 80 lacks of rupees, independent of the profit derivable from the monopoly of salt, estimated at 11 lacks; inasmuch as the said revenue was regularly and progressively increasing from year to year; and inasmuch as Mr. Henry Wellesley, the governor of the ceded provinces, stated, that he had no doubt, that 'the settlement of the land revenue for the second period of 3 years would not be less than 2 crores of rupees;' and that 'the land revenue of these provinces, when fully cultivated, would amount to two crores and 50 lacks of rupees.'"

12.—"That it appears from the whole of the transactions related in the Papers now under consideration, and from the negotiations carried on by the marquis Wellesley with the nabob Saadut Ali, in the year 1798, 1799, 1800, 1801, and 1802, that the said marquis Wellesley, actuated by unjustifiable ambition and love of power, had formed schemes of aggrandizement and acquisition of territory, in direct opposition to the established policy of the East India company;—that he pursued this object by means offensive, and with a spirit irritating to the nabob, with a total disregard of the recorded opinions of this house, and the provisions of two several acts of parliament; and that he finally succeeded in wresting from this unfortunate prince, against his will, a large portion of his territory, and in depriving him of all effective government over the remainder; in direct violation of every principle of good faith, equity, and justice, and in open breach of the sacred obligation of a solemn treaty; and that he has thereby affixed a lasting stigma and reproach on the British name and character, and contributed to destroy all confidence in the moderation, justice, and good faith of the British government in India."

The first Resolution having been read from the Chair,

Mr. *Whitshed Keene* rose and said:—Sir; The noble lord has informed the house, that the Resolutions he has moved, are founded on the information he has drawn from the documents which have been laid before it to illustrate the transactions that took place in the province of Oude, during the administration of lord Wellesley. I by no means agree that those documents bear out these Resolutions, on the contrary, to my conviction they justify the very reverse. But, sir, what has induced me at this moment to obtrude myself on the house, is a persuasion that in order to form a sound opinion on this important subject, it is necessary to go much deeper into it than the noble lord has thought proper to do. I apprehend every gentleman will agree that ascertaining what has been the real relation between the British nation through its representative the India Company and the province of Oude, and what are the duties and rights respectively belonging to it and the native chiefs, with whom it has been involved, since it was forced to emerge into a territorial from being a mercantile concern, ought to save much time, as whatever may be said which does not apply to these relations may be very good declamation, but is not argument. Appeals to its humanity and justice have always, and I trust ever will be favourably received, but when those appeals are made, it becomes the good sense of this house to examine carefully the grounds, least their heads should be the dupes of their hearts, and intending humanity and justice should produce results directly opposite. I conceive for this salutary purpose it is necessary to trace the origin and progress of the British connections in India, and knowing the apathy this house, unfortunately for the publick, has shewn on those subjects, I shall take up as little of its time, as the nature of that investigation will admit. As anonymous, and unacknowledged publications, bold assertions gratuitously advanced in this house or out of this house, can have no effect on its good sense, I beg leave to state that the opinions I entertain on this great subject are drawn from the series of facts recorded by Mr. Orme in his history of the wars sustained by the British company and nation in Bengal and the Carnatick, and from Mr. Verelst's account of the rise and progress of the British company in Bengal. The works of these two gentlemen having been before the public 50 years, and having been stamped with the character of truth and impartiality by a great majority of the principal actors in those scenes and of their successors, I conceive, will be admitted indisputable authority; it is to be regretted, that with their means and talents they did not continue their labours to a later period. It appears from their authorities that while the Mogul government retained its vigour, the vassal chiefs styled nabobs, were appointed only to enforce the orders from Delhi, that the places called fortresses in those districts were intrusted to killedars or governors independent of the nabob, that the collection of the revenues was in the hands of officers called dewans, alike independent of him, that his emoluments arose from a jaghire or assignment in some other district with which he had no other connection, and that it had been the constant policy of the mogul, to remove nabobs so frequently, in order to prevent their acquiring hold in their districts, that Mr. Orme tells us, one of them going from Delhi, rode with his face towards the horse's tail, saying he looked out for his successor. On the decline of the Mogul empire from the contests amongst the successors of Aurengzebe, and after its being completely broke down by the invasion of Nadir Shaw, who carried away 100 millions sterling from Delhi and massacred 100,000 of its inhabitants, the power of coercing the several provinces and districts which composed the vast mass of the Mogul empire, no longer existing, they fell into the hands of those chiefs whom a modern periodical reviewer has emphatically and truly described as victorious assassins, consummate traitors, and experienced robbers more skilled in breaking than in making treaties, and less formidable from their swords than their daggers. And after a disgusting repetition of assassinations, poisonings, and putting out of eyes, the boldest and most fortunate having the power of the sword in their hands, and no superior sword to control them, assumed all those powers which under the mogul had been studiously kept separate and declared their possessions hereditary. As long as the Mogul empire continued in vigour, a British factory at Calcutta carried on a profitable mercantile concern, in consequence of valuable privileges conceded in return for important medical relief rendered to the mogul and the nabob of Bengal by superior European skill. After its decline, during the progress of the subsequent transactions, the British factory, notwithstanding frequent exactions of the chiefs, still carried on a valuable commerce in consequence of the privileges that were left to them. But on the accession of a ferocious youth to the succession of a victorious assassin and consummate traitor, who not many years before became nabob of Bengal, the opinion of the opulence of the British factory roused his avarice, and with a mighty rabble he invested Calcutta. After a feeble attempt to defend the settlement, the greatest number of the Europeans sheltered themselves on board their ships, and about 150 remained in the fort. In a few days those in the fort surrendered on capitulation for their lives; but this ferocious youth disappointed in what he found in the settlement, ordered them to be confined, with the view of extorting treasure which he imagined they had concealed, about 147 were forced into a dungeon for the night 20 feet square, out of which the following morning 26 were brought out alive.—When an account of this desperate state of the British interests in Bengal, was brought to Madras, which was then the superior presidency, they determined to divert a force, which had been prepared for another purpose, to the attempt to relieve Bengal. Fortunately for his country a man who had distinguished himself by repeated military and political talents, was selected for the command, and col. Clive, was sent with it. With this force and the cordial and gallant co-operation of admiral Watson with the British squadron, they forced the nabob's numberless rabble to evacuate the settlement, and following them in their retreat, after a fruitless negotiation with the nabob, but securing the cooperation of Meer Jaffier, one of the chiefs who knew he was destined to destruction by the nabob, col. Clive attacked with his trifling force 30 times their number at Plassy, and having effected a compleat deroute thereof, he advanced to Muxadabad the capital, and placed Meer Jaffier on the musnud with the general acquiescence of the natives, who accustomed to be equally oppressed by all their chiefs cared not who was placed there. This observation seems necessary in order to account for the ease with which those rapid changes of chiefs take place in that country. After remaining some time longer in Bengal, and having settled as he thought its government, he returned to Europe. Not long after discontents and distrusts arose between this nabob Meer Jaffier and the council at Calcutta, which produced his removal and placing his relative Cossem Ally Khan in his room. This change was attended with large emoluments to the members of the said council. The same discontents and jealousies arising from pretensions mutually disallowed inflamed this nabob, who was more ferocious than his predecessor to the degree of assassinating some of the company's servants at Patna. To avenge which the company's troops advanced, and defeating the nabob's army drove him out of the country. He took refuge with the nabob vizier of Oude, who pretending to restore him, but really meaning to possess himself of Bengal, collected, under the authority of the degraded mogul, a large force which was defeated and dispersed by the company's troops at Buxar. After this defeat the mogul separated his interests from those of the nabob, and put himself under the protection of the company at Benares. Meer Jaffier was again placed on the musnud, not without marks of gratitude to his restorers. Things continued sometime in this situation, and an account of the confusion which prevailed in Bengal, being sent to England, the company induced lord Clive to return there as best qualified, from the well earned authority acquired by his former conduct, to restore order. Before he arrived, the nabob vizier being joined by a Mahratta force in addition to what he could raise in Oude, thought himself able to attain what he had in view, and in opposition to the mandate of the mogul, who continued under British protection, prepared to attack them. On this the mogul declared him deposed from the vizcerat, and by a treaty with the company assigned him certain parts of the province of Oude. The British army advanced, and attacking the nabob's confederate forces at Calpy, defeated and dispersed them, taking the nabob Soujah Dowlah prisoner, and the whole province was in their power. In this posture of affairs lord Clive arrived, and from the view he took of the financial and military resources of the company at that time, judging it unsafe and impolitic to retain any accession of territory, he prevailed on the mogul to re-establish the nabob, who had been two months prisoner in the British camp, in the province of Oude and the vizcerat, under the protection of the company, who consented to withdraw their troops on the payment of 50 lacks of rupees as reimbursement of the expences of the war, and bouud themselves to defend the province in case of attack with their whole force should it be necessary, the expence of the same to be defrayed by the nabob. From these facts it appears, that the province by right of conquest belonged to the company: that from prudential motives alone lord Clive, with that decision and sagacity which marked his military and political life, declined retaining any part of the province under the junnud of the mogul, and in lieu thereof accepted the dewanny of Bengal, Bahar, and Orissa. As he had laid the foundation of the British power in that country by the victory at Plassey, by this measure he gave it such stamina, that the abuses and misrule which prevailed there for some years, after he quitted the country, were not able to destroy it. And here, sir, I beg leave to lay before you in his own words the reasons he gave to the court of directors for having adopted this important measure. "The perpetual struggles for superiority between the nabobs and your agents, together with the recent proofs before us of notorious and avowed corruption, have rendered us unanimously of opinion, after the most mature deliberation, that no other method can be found, of laying the axe to the root of all those evils, than the obtaining the dewanny of Bengal, Bahar and Orissa for the company. By this acquisition of the dewanny your possessions and influence are rendered permanent and secure, since no future nabob will either have power or riches sufficient to attempt your overthrow by means either of force or corruption. All revolutions must henceforwards be at an end, as there will be no fund for secret services, donations, or restitutions: the nabob cannot answer the expectations of the venal and mercenary, nor will the company comply with demands injurious to themselves out of their own revenues. The experience of years has convinced us, that a division of power is impossible, without generating discontent and hazarding the whole; all must belong either to the company or the nabob. The power is now lodged where it can only be lodged with safety to us, so that we may pronounce with some degree of confidence, that the worst which will happen in future will proceed from temporary ravages only. The more we reflect on the situation of your affairs, the stronger appear the reasons for accepting the dewanny of those provinces, by which alone we could establish a power sufficient to perpetuate the possessions we hold, and the influence we enjoy. While the nabob acted in quality of collector for the mogul, the means of supporting our military establishments depended on his pleasure. In the most critical situations, while we stood balancing on the extreme verge of destruction, his stipulated payments were slow and deficient, his revenues withheld by disaffected rajahs and turbulent zemindars, who despised the weakness of his government; or they were squandered in profusion and dissipated in corruption, the never failing symptoms of a declining constitution and feeble administration. Hence we were frequently disappointed of those supplies, upon the punctual receipt of which depended the very existence of the company in Bengal. Happy would it have been for Great Britain and the Carnatic had the government thereof, after having acquired the right and the power by having conquered the country from France, avoided the fatal delusion of letting the dewanny slip out of their hands. The above description of the evils apprehended in Bengal, faintly represents what were realised in the Carnatic. Enough of this, until that question comes before the house. Sir, it appears that things remained for some years in this state, with an English brigade stationed in the province of Oude, until an invasion of it by a formidable combined Mahratta force under Scindia and Holkar in 1773, the whole British army advanced and completely defeated them. In the year 1774 the Rohilla chiefs declining to fulfil their engagements of paying 40 lacks of rupees towards the expence of repelling the invasion of their country, and also manifesting a hostile disposition towards the vizier, the British army subdued them, and conquering the whole of Rohillund, placed it all under the government of Oude, with the exception of a few districts granted in jaghire to Fyzoola Khan, a chief who had submitted to their arms. On the death of Soujah Dowlah in 1775, and the investiture of his son Azoph ul Dowlah in the province of Oude and its dependencies, obtained from the mogul through the direct influence of the British government, a new treaty for an increased English force and subsidy was made in a few years. This force, in consequence of the misrule of Azoph ul Dowlah, was found insufficient for the preservation of the internal tranquillity and external defence of the country, and it became necessary to strengthen it with a temporary brigade and adequate increase of subsidy, and in 1781 with a permanent augmentation, as it had now become a most important barrier to the British possessions. The continuation of the same misrule producing a progressive anarchy and decline in the resources of the districts under the nabob vizier, and his thoughtless extravagance disabling him from fulfilling his engagements with the company, he had recourse, in order to answer its demands, to those ruinous measures of borrowing money from natives and Europeans at 3, 4, and 5 per cent. per mensem, as detailed in No. 7, a paper reprinted for the use of the house. In this approaching ruin of the resources and inhabitants of a country which had belonged to the company by right of conquest, and which it was bound to protect after it had re-established the nabob vizier, with which it became so involved by succeeding treaties that it was impossible to withdraw, without causing the immediate destruction of that country and thereby endangering its own; you find that in all the communications from the court of directors to the supreme government in Bengal, the most urgent object to be, the reform and amelioration of the province of Oude, by the interference and exertion of that government. Accordingly you see that from the moment lord Cornwallis was sent there in 1786, how assiduously he applied his mind to that most important subject. As the powers with which his lordship went there, form a new æra in the system of Indian government, it seems proper to take notice of it. The inadequacy of the constitution of the company, which had been formed on mercantile principles, to govern an imperial concern, had the fate of a dwarf's garment forced upon a giant, and was broke through in every part. Prior to 1774 many of the servants of the company abroad setting at nought the orders of the court of directory, and trusting for impunity to private interest, or a combination of interests amongst the proprietors, yielded to the temptation of rapidly acquiring large fortunes, by availing themselves of the power which situation gave them to pillage and oppress the miserable ryots and inhabitants; and universal anarchy prevailed over the country. In order to cure all those evils, in 1774 the legislature thought fit to appoint a governor general, and four counsellors, with new powers to control and superintend all the British settlements; but from the reluctance of the British parliament to vest summary powers in an individual, and therefore the governor general being controlable by a majority of said council, difference of opinion, although the contending parties acted from their views of the public interest, produced irritation and discord as to the measures of government, and insubordination and anarchy in the country. To cure this evil the legislature at length saw the necessity, and vested in the governor general a summary power to act on his opinion and responsibility. With this power that excellent man whose head seldom erred, his heart never, went to Bengal. His habits of life, all the adventitious circumstances attending him, and the personal consideration derived from them, qualified him peculiarly for what was to be done at that time in Bengal. The reports from your committees in 1781,-2, and 3, which were formed principally by the indefatigable industry and perseverance of Mr. Burke, who applied all the powers of his mighty mind to unravel and enlighten all the intricacies and obscurities in which the transactions in that country had been studiously involved, pointed out a variety of abuses, to remedy which, regulations were enacted by parliament. These, that noble lord carried into execution and added a most important measure of his own, which a man of less weight and rank in this country, probably, could not have carried through; it was, to give the servants of the company such salaries as would enable them to live properly, and in a reasonable time make a provision for futurity; but precluding them from all indirect means of making money, instead of the mercantile system of giving small salaries and conniving at those means. By this wise and liberal policy, in addition to the parliamentary enactments, by his own bright example, he established a purity in Bengal, and laid a foundation for its progressive happiness, to compensate to its inhabitants for what they formerly suffered from his countrymen. And yet, sir, during the government of such a man, and that of his successor, a man no less pure, Europeans and even a servant of the company, as appears by the paper above alluded to, were accelerating the ruin and distress of the province of Oude by usurious loans unknown to those governors. It is necessary to notice this, as it tends to prove that nothing but a cession of territory instead of subsidy could preclude the recurrence of the same mischiefs. You will find, sir, in the many communications between the nabob of Oude, his ministers and lord Cornwallis, personal and by letters, exhortations to ameliorate and reform the abuses under which that country laboured; it is true in as mild terms to the nabob as such strong truths could be conveyed, but telling the ministers that they were responsible to the British government for their conduct, and that they would be supported by it accordingly as they acted right. You will find by the whole tenor of lord Cornwallis's correspondence with Oude, that though he studied to avoid hurting the pride of the nabob, he considered the British government vested with the right, as well as the power of controlling his government; and in one of his lordship's last communications when he was returning to Europe, he warns the nabob that the consequence of his misrule might produce extreme measures on the part of the company for their own safety, which was involved in the safety of Oude. (Lord Cornwallis's words are as follow, in his letter to the nabob dated 29th Jan. 1793. "I have offered my advice as a friend, and flatter myself that you set that value on the company's friendship that will induce you to listen to their counsels in a manner that may render unnecessary any other measures on the part of the company for their own security and defence.") Notwithstanding all these exhortations, the same wretched system continued, and this country, which was a frontier in that quarter from whence most danger was to be apprehended, and which could be defended only by its resources, was reduced to the most extreme misery and distress. Lord Cornwallis's successor, sir John Shore, made remonstrances; the nabob continued his misrule. In 1794 a case happened however which proved the opinion sir J. Shore entertained of the relation between the nabob and the company. On the death of Fyzoola Khan, the chief above mentioned, who enjoyed a jaghire dependant on Oude, the second son murdering his elder brother, was invested by the nabob with the succession, on his engaging to him an increased tribute. Sir J. Shore, on learning the circumstances, ordered a considerable British force to march against the murderer, and notwithstanding the remonstrance of the nabob, drove him out and vested his succession in the infant son of the murdered elder brother. In the latter end of the year 1797, this nabob, Azoph ul Dowlah, died, and a reputed son, vizier Ally, was placed on the musnud, with the usual forms of investiture obtained from the mogul through the influence of the governor general. This youth, under 20 years old, soon exhibited great profligacy and ferocity, with a determined hostility to the British interests. These accounts being brought to Fort William, accompanied by representations from many of the principal persons in Oude, (to whom it was known that this youth was the son of a woman introduced into the zenena big with child, and of a father of the meanest order) the injustice of permitting such a person to hold the musnud in preference to the next brother of the late nabob, and the son of Soujah ul Dowlah. On these considerations, sir J. Shore proceeded to Lucknow, where he had ordered a large body of British troops to meet him, and having satisfied himself of the justice and necessity of the measure, he deposed this young man, and established the next brother, and son of Soujah Dowlah. In these instances the governor general exercised a sovereignty not surpassed by any act of Aurungzebe over his vassal states. A new treaty was made, with this nabob vizier Saadut Ally, for an increased British force, with an increased subsidy, and some important districts were ceded to the company, with reimbursement of the expence of putting their army in motion. Soon after this, sir J. Shore returned to Europe. His successor, on his arrival in Bengal, found that country agitated with an expected invasion by Zeman Schah, and soon after by the insurrection of the deposed young nabob vizier at Benares, where having collected a number of followers, he murdered the resident, with some other Englishmen, and fled into the province of Oude, where he collected between 5 and 6000 men, and was joined by some of the present nabob's troops who had been sent to stop his progress. These having been defeated by part of the British army, and the insurrection quelled, and Zeman Schah being fortunately obliged to fall back by disturbances in his own country, gave time to examine the state of Oude, and take the measures necessary for the defence of that province, which was the first object of Zeman Schah's invasion. It appeared that there was a rabble of an army amounting to near 40,000, but of a nature that the nabob declared he considered them as his enemies, and could not think himself safe in Lucknow without a considerable British force near his person. The British generals all declared that the existence of that army would be a powerful diversion in favour of Zeman Schah, in case he resumed his intention, and the nabob, impressed at that time with the danger, earnestly applied to the governor general for his assistance to reduce it, who in consequence sent a most able British officer to effect that great object. In this situation of things the war with Tippoo broke out, and the governor general went to the Carnatic, where having by great energy collected and put in motion in a few months the most powerful army ever assembled in India, Seringapatam was taken, Tippoo killed, and his whole dominions possessed by the English. Having by a skilful and fortunate enterprise at Hyderabad destroyed the French influence there, and having by his regulations in Mysore brought all the resources of that country, from whence the company apprehended the greatest danger, to its aid, he returned to Bengal, leaving the Carnatic in a state of security it had never known before. He found the important-reforms in Oude but little advanced, the nabob, though the proposal of reducing his troops originated from him, when the danger from them was strong on his mind from Zeman Schah's invasion, yet as this decreased, he became irresolute, and brought forward proposals and evasions to create delay. The security of this important frontier, which the company was bound both by treaty and its own safety to defend, was an object of too vital a concern for the governor general to permit himself to be baffled in. As an article in the last treaty empowered the company to increase its forces in Oude to the extent judged necessary for its defence, and as by the same treaty the nabob is bound to give satisfactory security for the payment of the same, the governor general knowing from the uncertainty of payments of former inferior subsidies, in times of profound peace which Oude had enjoyed for many years (and which were only found by those usurious loans the exaction of which spread ruin and desolation amongst millions of the wretched inhabitants) how little reliance could be placed on the discharge of an increased subsidy in time of war, when a failure might be attended with disastrous consequences, and knowing the progressive decline of the resources of the country under the nabob vizier's government, demanded in lieu of subsidy a cession of territory, the produce of which, in its declining state, was equivalent to the support of the increased number of troops, which from the state of things was judged necessary for the protection of the province of Oude and its dependencies. To this demand the nabob vizier opposed many difficulties, during near two years. Although it had been proved repeatedly that without the British troops the dominions of Oude, if not entirely swallowed up, would have undergone great defalcations; although he felt and acknowledged that without them, his person was not secure from his own numerous and disorderly rabble, yet from irresolution of character, practised upon by those about him, who saw that by this measure, their means of enriching themselves, by the pillage and oppression of the miserable inhabitants would be exceedingly reduced, yet it was with reluctance on his part he assented to a treaty, which precluded any further demand upon him in any possible case, by which his own dangerous and disorderly army was to be reduced merely to what was necessary for purposes of state, in lieu of which the country was to be defended at all times, by a considerable increase of troops under British discipline. By this treaty, those districts which surrounded the antient state of Oude, which were held by turbulent Zemindars, who had many troops and strong fastnesses, from whom he could not draw revenue without annually sending a superior force to collect it at a decreased jumma; which were most exposed to temporary depredations, and through which a powerful invasion must pass, was ceded in perpetuity to the company, and the necessity of making good a subsidy, by those usurious loans which had so large a share in the ruin of the country, and which from the nature of things must recur again, if the connection continued on the same footing, was for ever put an end to. The event has proved that the supreme government consulted not less the comfort and security of the nabob vizier, by this great measure than it did its own. This treaty was concluded on Nov. 10th 1801, and he now enjoys from his reserved dominions a larger income applicable to his personal gratifications, than he did when he possesesd those ceded districts subject to the payment of an inferior subsidy, and at the same time the comfort and security of those millions who were formerly oppressed and pillaged, by his numerous armed rabble, is materially improved. In the ceded districts, by those Zemindars who, possessed of troops and strong forts, were accustomed to dictate their own terms to the weakness of the vizier's government, much opposition was made to the establishment of the company's government, and it is to be lamented in some instances much blood has been spilt. Such feudal anarchy was incompatible with safety and good order; as it shewed itself, it has been subdued by the vigour and discipline of the British arms; and the lenity and beneficence of those British institutions which from 1786 have progressively increased the happiness and prosperity of the Bengal provinces, have been introduced. Much time had not elapsed, before an opportunity occurred for the vizier to shew his feelings as to the change in his situation, and for the inhabitants of an important ceded district to shew what they felt. During the contest with the Mahrattas, a difficulty arising from a delay of supply of money and other requisites for the advance of the company's army, the nabob vizier voluntarily came forward with a considerable loan without interest, and assisted with all the resources of his country. On the incursion of a formidable Pitan chief into the ceded district whereof he was a native, where he had powerful connections, and where formerly he would have found much co-operation, so few shewed themselves inclined to him, that he thought it prudent to retreat, doing but inconsiderable mischief. Another tempting occasion offered for the nabob to shew dissatisfaction, if he had not experienced advantage from the new treaty, when, upon the proposal from a servant of the company (who was on his return to this country, and was supposed to have powerful connections here,) to be appointed his agent for the purpose of representing and obtaining redress of those hardships which he imagined the nabob vizier felt from the act of the British government; the nabob declined his interference, and testified by his conduct, feelings of a direct opposite nature. From all these circumstances, it can scarcely be doubted, but that he would think himself little obliged to those hon. gentlemen in this house who have advocated his cause, as they think, with so much zeal and eloquence, if they succeeded in putting him back into his former situation. The external political effects of this great measure may be appreciated by the facilities which it afforded to that energy of counsel, and exertion of military talents, by which, in a few months, fortresses deemed impregnable were taken by storm; arsenals filled with all military implements according to the European system of war, were seized; an army consisting of between 30 and 40,000 men, not such rabble as have hitherto composed a native army, but of troops formed and trained during many years in European tactics by M. de Roigne, but then under French influence; supported by a great superiority of compleat well served artillery; maintained by large revenues arising from provinces in their possession which led into the heart of your dominions, compleatly annihilated; in consequence of which you are now in possession of those arsenals, and revenues of those provinces; and what is not less important you have rescued the person of the mogul from that French influence which knew well how to employ his name to your detriment. Those who have had the means of best knowing the respective circumstances and localities of the countries in question, are convinced that had not this arrangement with the nabob vizier taken place, the increased difficulties must have prevented the above brilliant success. Sir, I have many apologies to make for having taken up so much of the time of the house, and shall trouble it with but one observation more. There are many respectable persons in this house, and in this country, who do not attach the importance which I do to the annihilation of the formidable force, and total change in those provinces on the north western frontier of the British possessions. But, sir, when the unceasing activity of Buonaparte, his talents of address and intrigue, which let no opportunity of advancing his views against British power in India escape him, are considered; when it is known that the first cargo from France to Pondicherry in 1802 on peace between us, consisted of 200 French officers, (greatest part of whom, from the nature of things, would have endeavoured to make their way to where they would have been most useful, that is, to that formidable force under French influence in the north western provinces, had they not been prevented by the wisdom and vigour of the government of Madras who sent them all back to Europe) I say, sir, that I cannot doubt but that if those vigorous measures had not been adopted; that if there had remained such a fulcrum for Buonaparte to set his lever upon, even without the additions of those French officers, he would have shaken the British interests to their foundation, and at least a most dangerous war would have long since taken place in the centre of your possessions both in Indostan and the Decan, instead of his being obliged to encounter all the difficulties and delays of coming now from the Caspian to attack your frontiers, which there is every reason to think will be on the Indus. With these opinions on the justice and necessity of this treaty with the nabob vizier, and all those important consequences, I cannot hesitate in thinking the supreme government of Bengal is entitled to the gratitude of the country, for having, by its vigour and foresight, most importantly augmented the security of the British interests in many quarters, and guarding against dangers which threatened them from no quarter more eminent than the north of Indostan.

Sir *John Anstruther*, rose to reply to the speech of the noble lord. As far as that noble lord was personally concerned, he had conducted the affair then before the house, in a manner which corresponded with his character, and the rank that he held in the country. Still, however, his noble friend's situation had been a hard one. A libel against him had been lying for a long period on the table of the house, and had in consequence been generally circulated, with something like an air of authority; the author of which, had it been promulgated in any other manner, would ere now have experienced the severity of the law. Before he entered on the subject, he would observe that the character of this prosecution against the marquis Wellesley, differed materially from that of any other India prosecution. In every preceding India prosecution, not errors of policy alone, but personal corruption, had been attributed to the individual accused. No man had dared, in the present instance, to whisper the slightest insinuation of such a nature against the noble marquis. Certainly, the last Resolution of the noble lord charged his noble friend with ambition, and a love of power, evinced by his actions, at the very moment that he was retiring from his high situation. This prosecution contained within itself an evident contradiction. A learned gent. not just now in parliament, had said that there were three parties in this investigation; the noble marquis, the court of directors, and the suffering millions in India. The two first unquestionably were parties in the investigation; but with respect to the suffering millions in India, did not that learned gent. know, that the accusation of the chiefs and rajahs of India against the British government there, was, that it was a government for the protection of the lower orders, who, in the provinces under British influence, enjoyed a degree of security and happiness, for which they in vain sought in any other part of Asia? The suffering millions of India, therefore, were no parties to this cause. The noble lord had expressed his hope that no person would decide on this question from motives of personal attachment. For himself, the long friendship with which he had been honoured by the noble marquis, had naturally created in his mind feelings of the highest respect and attachment; but in communicating to the house his sentiments on the subject, he was actuated by nobler motives. He had himself been in India; he had witnessed the danger at which it had trembled; he had witnessed the joy which the relief that the noble marquis's measures afforded had occasioned. He had heard the opinions in India of the most faithful and the most intelligent of the company's servants, and he had never heard a doubt expressed of the justice and propriety of the noble marquis's conduct. It would be enough for the vindication of the noble marquis, were he to state that the principles on which he acted had been approved of by the government who employed him. This would be enough for the vindication of every executive officer. But he would go further, he would shew that even had that approbation not been given, the noble marquis's conduct would have been not the less justifiable and honourable. The subject resolved itself into two parts, the transmutation of subsidy for territory, and the military interference with the province of Oude. With regard to the first point, the measures which the noble marquis pursued were imperiously called for. He was guided by the declaration of the East India company, repeatedly made; for instance, to lord Hobart, who was instructed to transmute subsidy into territory, in order that the territory from which the company were to derive support in war should be in their hands during peace, and be thus rendered more available when a period of war might occur. When the noble marquis first went out to India, he was charged by the court of directors with similar instructions, to change subsidy for territory; and when he failed in an undertaking of that nature (from circumstances which it was not necessary to state) they lamented that failure. Subsequently, when the noble marquis effected a transmutation of subsidy for territory with the rajah of Tanjore, the court of Directors thanked him for so doing. After this, they could not surely turn short round and say that an accession of territory in India was against the law in all cases. There was another reason why they could not say this: thinking highly of the services of the noble marquis in the war against Tippoo Sultaun, the court of directors had behaved to him as a great body ought to behave to a great man, and had rewarded him with a pension during the continuance of their charter, expressly declaring that by the destruction of Tippoo 'the company had gained a great accession of territory!' How, then, could the noble marquis suppose, after this explicit declaration, that there could be any disapprobation of future transmutation? But, this was not all. The noble marquis had, in this particular instance, informed the company of his intentions; he had told them that he meant to avail himself of the existing circumstances in Oude, to introduce the British power into that country. To this the company expressed no objection; they never replied, that it was against the law, or entreated him to desist from the execution of his plans. It was therefore fairly to be inferred, that those plans met with their concurrence. With regard to the other part of the subject, the introduction of military force into the Dewab, was it not evidently the wish of the directors that the civil and military power of the nabob of Oude should be reduced? When the noble marquis acquainted them that he was about to reform the useless and even dangerous battalions of the nabob, they in answer approved of his intention, and when he had compleated his military, to effect a civil reform; and was it to be endured that the noble marquis should now be told that these were measures highly criminal, and that he had fixed an everlasting stigma on the British name and character in India? But, this was not all; after the noble marquis had effected his objects, he received the approbation of the directors, at least of the secret committee, which was a sufficient justification. To prove this, it would be necessary to refer to the letter from that committee, dated the 29th of Dec. 1802, in answer to one of the noble marquis, in which he acquainted them with what had been done in Oude, and intimated his intention of retiring from the high situation which he held in India. In this answer the committee, instead of censuring the noble marquis for the line of conduct which he had adopted, entreated that he would remain another year, and finish the work which he had so happily begun. Was not this a bona fide approbation? Unquestionably, there were some among the directors who did not approve of the noble marquis's proceedings. The deputy chairman, for instance, (who was entitled to the highest respect), had uniformly expressed his dislike to them: but still, the opinion of the great majority of the directors was in his favour. He would now, however, argue the question, without reference to their approbation or disapprobation. If the noble marquis were to act at all in India, his attention must naturally have been directed to two points; the first, whether he had any right whatever to interfere in Oude? the other, whether the occasion on which he did interfere was sufficient to justify him in such interference? As to the first point, no man, considering the relation which subsisted between the British possessions and the province of Oude, could possibly question the right of the British government to interfere with the affairs of that province. By treaty, Oude was to be defended by the British. By policy, Oude must be defended by the British; for to defend Bengal without defending Oude was impossible. Undeniably, therefore, the British government were justified in interfering authoritatively, and compelling the introduction into that country of an adequate military force. Who, then, was to be the judge of the quantity of the force which ought to be so introduced? What said sir John Shore, by whom the treaty with Oude had been concluded? He considered himself the proper judge. Had not lord Cornwallis declared, that if the reform in Oude were not carried into effect voluntarily, he should be obliged to compel the nabob to provide for his military defence? Moreover, had not that noble lord appointed two ministers of the nabob to carry his orders into execution, assuring them that he would support them against their master in the fulfilment of this task? How idle was it, then, to talk of the independence of Oude. Had not sir John Shore revoked Mr. Cherry's rash and unadvised assertion, that no further interference on the part of the British should take place in Oude, and had not the court of directors applauded him, for this revocation? On what principle had sir John Shore himself interfered in the government of that province? A man of more mildness, temperance, and moderation, he would also say of more integrity and ability, never existed. It was not to derogate from his administration to declare, that energy was not the characteristic of it; and yet sir John Shore, espousing the cause of Vizier Ally, decided, at his own tribunal, who should be the prince of Oude. Would he have done this had he not felt his undoubted right of interference? He had expressly told the company that he found it necessary to establish the British influence in Oude on a surer footing, because the two states were so connected, that without an over-ruling influence in Oude it would be impossible to keep Bengal. After all this, and much more, which he would not detain thehouse by stating, who could doubt that the right of interference was unquestionable, and that the noble marquis was the best judge as to the extent of that interference? So much for that part of the subject. Did the occasion, then, call for the interference which the noble marquis exercised? What was the situation of Oude at the time? Zemaun Shaw, at the head of a formidable army, threatening Oude, the Mahrattas making no movement and shewing no disposition to oppose him, and a large French force in the heart of Egypt. Well did he recollect the feelings of natives and Europeans in India at that period. Well did he recollect the doubt and dismay which existed before the noble marquis arrived, which he dispelled very soon after his arrival, and which never re-appeared during his continuance in the government. It was, indeed, a period of danger, and one which called loudly upon the noble marquis to do that which he did; to interpose with a strong hand, and to put the military force of Oude in a state better calculated to repel the assailants, by which it was threatened. Sir John Craig, that most able and respectable officer, had demanded of the noble marquis a force of 20,000 men to meet the dangers that threatened Oude, not because he thought this force adequate to the object, but because he conceived that it was all that could be spared; yet even this number, lord Wellesley was unable to grant him. It was true, that he had sent an embassy to Persia for assistance; but the result of this embassy was contingent; and was it therefore to preclude him from endeavouring to put Oude into a better posture of defence? The civil state of Oude was this, half the army which ought to have been on the frontiers, to repel the menaced attack, was compelled to remain in the country to quell the rebellion, which the bad administration of affairs had occasioned. Even sir John Craig, with his small and inefficient force, had been obliged to leave two regiments at Lucknow, to defend the prince against his own subjects. By a letter from Mr. Lumsdale, it appeared, that even some of the frontier forts were in the hands of rebellious Zemindars. In these circumstances, was not the noble marquis completely justified in interfering to compel a mutinous army to obey its leaders, and a rebellious people to submit to their prince? He did interfere—he obtained his objects. So completely did he change the character and disposition of the country, that sometime afterwards, when a fair opportunity was afforded by the passage of an hostile force, from one extremity of the province to the other, that force was not joined by a single individual of those 'suffering millions,' as they had been so pathetically, but so unfoundedly, termed. But the noble lord accused his noble friend, not only of sending into Oude a force larger than what was necessary, but of charging the vizier for a force larger than was actually sent. If this were true, which he denied, the noble marquis had nothing to do with it. He had desired the proper officer to make out the account in the manner most favourable to the nabob. If any mistake had taken place, which was not very likely, and which he completely disbelieved, was the commander in chief in India to be chargeable with the error of a clerk in the accountant-general's office? The noble lord had so mingled in his Resolutions that which was true, with that which was not quite true, that he felt the impossibility of proposing any amendment to them. On all, therefore, but the last, he should move the previous question: to the last he must give his most direct negative. It charged his noble friend with ambition and the love of power. True, he was ambitious, but it was that his country should be great; true, he did love power, but it was the power of contributing by every honourable means to her prosperity and happiness. Traduced as his noble friend's character had been, he was desirous of meeting the personal imputations that had been cast upon him, and should conclude with moving the following Resolution:—"That it appears to this house, that the marquis Wellesley in carrying into execution the late arrangements in Oude, was actuated by an ardent zeal for the public service, and by the desire of providing more effectually for the prosperity, the defence, and the safety of the British territories in India."

Col. *Allen* rose and spoke as follows:—Sir; It is with great diffidence I venture to offer myself to your notice, and to trespass on the attention of the house; but having passed the greater portion of my life in India, having been there during the early part of the administration of the noble marquis whose conduct is the subject of investigation; having held an official, and I may say confidential, situation, which gave me opportunities of knowing something of the motives and principles which governed the conduct of the noble lord during that period. And having attentively perused the voluminous papers laid before parliament, I cannot reconcile to my feelings to give a silent vote in this question. A question which, important as it is to the character of the noble lord, is of infinitely greater importance to the public—for, in my humble opinion, if the Resolutions moved by the noble lord shall receive the sanction of this house, it will lead to the subversion of every existing treaty with the native princes of India, and shake the foundation of the British power in the East.—In discussing the justice and the policy of the measures pursued by marquis Wellesley in Oude; it is necessary to consider, what was the nature of our connection with that state, at the time when these measures were adopted; and I think there is abundant proof in the Papers before us, that Oude was not an independent principality; but that it was altogether dependant on the British government, and in fact identified with it.—I am supported in this opinion by high authorities: lord Cornwallis, in a letter to the court of directors dated 16th Nov. 1786, observes 'the real interests of the vizier 'we look upon as inseparable from our 'own.' (No. 6, p. 3.) And in a Letter to the vizier dated 15th April 1787 his lordship says, 'as I consider the Company's 'territories and those of your excellency 'the same, the protection of your excel'lency's dominions is absolutely necessa'ry.' (No. 6. p. 3.) That this was the view the court of directors took of the subject, 14 years before the arrangement made by marquis Wellesley, may be seen by a reference to the Instructions that were sent to Bengal in a letter to the governor general, dated 31st July 1787: they say, 'one thing is clear; the defence of Oude 'must be provided for: if, therefore, the 'Cawnpore brigade be not equal to such 'defence, either the vizier's own troops 'must be reformed, so as to make them 'serviceable, or another detachment of 'company's troops must be stationed in 'the country: the additional expence of 'which he may be enabled to pay, by 'reducing his own useless troops. And 'this we recommend to your most serious 'consideration; always bearing in your 'mind, that from the nature of our con'nection with the nabob of Oude we con'sider the prosperity of that country as 'inseparable from the prosperity of our 'own provinces.'—Here, then, we have the official Instructions of the court of directors to the government of Bengal, authorizing them to do two of the acts, for the successful accomplishment of which the noble lord is charged with the violation of a treaty. They direct the British force in Oude to be augmented, and they direct the expence of such augmentation to be charged to the vizier. And, further, they recommend the reform of his military establishment. But I beg to call the attention of the house to another document, which is of importance, not only because it bears the authority of lord Cornwallis's name, but because it was written in India, about the time when the Instructions from the court of directors, I have just now recited, were preparing in England.—I allude to a letter from lord Cornwallis to the Secret Committee, written on the 4th of March 1787, in which his lordship explains the principles upon which the arrangement he had formed with the vizier was founded: his lordship says, 'They are, 'that, on our part, we shall totally abstain 'from interference in the management of 'the revenue, commerce, and internal go'vernment of Oude, but with the entire 'conduct of all political business, shall un'dertake its defence against all external 'enemies whatever. And on the other 'hand, that every civil and military ex'pence necessarily incurred by the com'pany in the country of Oude, shall be 'defrayed by the vizier.' (No. 2. p. 4).—The court of directors weighing these opinions of lord Cornwallis, gave their sanction and approbation to the principles upon which his lordship acted with respect to Oude; as will be seen by the following Extract of a Letter to the governor general dated 8th April 1789. 'Having attentive'ly perused all the minutes, proceedings, 'and letters alluded to in these para'graphs, and in your subsequent advices, 'on the subject of the late agreement 'concluded by lord Cornwallis with the 'vizier, we approve of the principles upon 'which it is founded.' (No. 2. p. 4).—It may not be unimportant to observe, that this was the sanction of the highest authority of the state; for the Instructions must have been approved by the Board of Controul, and it must be recollected that the president of that board was a cabinet minister. The opinion of lord Cornwallis, and the Instructions of the Court of Directors, approved as they were by the Board of Controul, in my humble opinion, fully justify the principles upon which lord Wellesly acted.—Lord Cornwallis in a letter to the vizier dated 29th Jan. 1793, says, 'Your excellency must be aware, that 'such is our close connection, that every 'chief in India must consider the two 'states as forming one power.' (No. 2. p. 13).—Lord Teignmouth in a Minute dated 13th Jan. 1798, observes, 'The govern'ment of Oude both in the opinion of the 'natives of the country, as well as exter'nally, is considered a dependancy on 'the English, whatever its relations under 'treaty may be.' (No. 1. p. 15).—And his lordship adds, 'In the estimation of the 'natives of India, the kingdom of Oude is 'held as a gift from the company to Sujah 'ud Dowlah and as a dependant fief.'—Lord Teignmouth in his Evidence given before this house being asked, 'Did you consider 'the nabob to be at all in the light of an 'independent sovereign in respect to the 'company's government?' His lordship's answer is, 'Certainly not.' (p. 44).—Mr. Cooper, a member of the supreme government, having resided 32 years in India, being asked 'From the period of your first 'arrival in Bengal to the present, did you 'ever understand there was any general 'opinion otherwise, than that the nabob 'was totally and completely under the 'subjection of the British government?' Mr. Cooper's answer is, 'I certainly al'ways so considered him, and in my seat at 'the board, my conduct and opinions there 'were given in consequence of so consider'ing him.' (p. 47).—The few Extracts I have taken the liberty of reading to the house, in my humble opinion clearly establish these facts; that Oude is not an independent principality, but a dependency on the British government; that the principles upon which lord Wellesley acted, were laid down by lord Cornwallis, sanctioned and approved by the court of directors and the board of controul; and that the measures of the noble lord were founded in justice. Of the policy of those measures, it is impossible for any person in the least acquainted with India, or who has taken the trouble to look into the papers before us, to entertain the shadow of doubt. It has been stated, that the resources of the vizier's dominions were abundant and daily increasing; if that had really been the case, I might have doubted a little the necessity of the measures of the noble lord. It is extraordinary, but no less true, that the very papers produced to substantiate the charges against the noble lord, afford abundant means of refuting them. Lord Cornwallis in a Letter to the court of directors dated 16th Nov. 1787, says, 'I cannot however express 'how much I was concerned during my 'short residence at his capital, and my 'progress through his dominions, to be 'witness of the disordered state of his fi'nances, and of the desolate appearance 'of his country. The evils were too 'alarming to admit of palliation.' (No. 2. p. 4).—In a letter to the vizier, dated 24th Jan. 1793, his lordship says, 'On my re'turn from the war in the Decan, I had 'the mortification to find that, after a pe'riod of 5 years, the evils which had pre'vailed at the beginning of that time, had 'increased; that your finances had fallen 'into a worse state, by an enormous accu'mulation of debt; that the same oppres'sion continued to be exercised. Though 'the subsidy is at present paid up with 'regularity, yet I cannot risk my reputa'tion, nor neglect my duty, by remaining 'a silent spectator of evils which will, in 'the end, and perhaps that end is not very 'remote, render abortive, even your ex'cellency's earnest desire that the sub'sidy shall be punctually paid.' (No. 2. p. 11).—In a letter from lord Cornwallis to the vizier, dated 12th Aug. 1793, his lordship says, 'It is well known, not only 'throughout Hindostan, but to all Europe, 'that notwithstanding the prevalence of 'peace during so many years, the revenues 'of your excellency's dominions are di'minished beyond all conjecture.' (No. 2. p. 16).—Lord Teignmouth in his Evidence, being asked, 'Can your lordship give the 'committee an account of the state of the 'administration of the nabob of Oude?' His lordship's answer is, 'I would rather 'speak generally, as to what I know of it. 'All the Papers printed by the house suf'ficiently shew what the state of that 'country was: that its administration was 'exceedingly bad in all its departments; 'the whole administration was as bad as 'it well could be in all its departments, 'and it was the perpetual object of govern'ment to prevail on the nabob to make a 'change in his administration. Lord Corn'wallis had attempted it, and it was equally 'urged by the government abroad and the 'company at home.' And his lordship added, 'I think in Oude there was no jus'tice at all.' (p. 22).—Mr. Cowper in his Evidence, says, 'It is impossible to con'ceive a state of greater anarchy or mis'rule than prevailed in the dominions of 'Oude; as far back as I can recollect, 'there has been neither law, nor justice, 'nor subordination!' Mr. Cowper being asked, 'As far as you had the knowledge, 'did the resources of the country decline 'during your knowledge of them?' His answer is, 'They continued to decline from 'the first acquaintance I had with the do'minions of Oude, till the last hour of my 'staying in India.' [Mr. Cowper had been in India from May 1769 till Feb. 1801]. Being asked, 'Were they in a progressive 'state of decline during the whole of this 'time?' His answer is, 'Yes.' 'To what 'cause do you suppose that decline of the 'revenues is to be attributed?' 'To the 'total want of all government in that coun'try.' (p. 46).—We have also, to confirm this, the evidence of major Ousely, the aid-de-camp of the vizier. He says, 'As to the state of the Duab, I can speak 'with accuracy, but I cannot to the whole 'kingdom of Oude: that part called the 'Duab I found in a state of great anarchy, 'a total want of law, or justice, and every 'thing else: nothing but violation of pro'perty of all kinds, and banditti ranging 'over the whole of it, a total direlection 'from every thing like justice.' Major Ousely being asked, 'Have you any 'knowledge of the state of the Revenues 'in Oude, under the government of the 'nabob? His answer is, 'I understood 'that they were in a state of annual de'crease or decay.' (p. 64).—This is the account of the civil administration in Oude. The military, if possible, was worse. By a reference to the Papers before us, we find that the reform of the Military Establishment of the vizier had been one of the principal objects of the British government, from our earliest connection with Oude. Lord Cornwallis, lord Teignmouth, and every succeeding governor general had directed his attention to this object, and we are informed by Mr. Cowper in his evidence, 'That the uni'form opinion of the court of directors 'was, that nothing could be more ruinous 'to the state and the affairs of Oude, than 'the existence of those troops.' (p. 46).—And Mr. Cowper further observes, 'That 'the most earnest recommendations to 'their council were, to prevail on the na'bob to reduce them as much as possible, 'as much as was consistent with the safe'ty of the country, and the collection of 'the revenues.' (p. 46).—For military purposes there was no question as to the inefficiency of the vizier's troops; but we are told by major Ousely (p. 64), that they were unequal to the collection of the revenues; he says, 'I believe at first the 'nabob was very willing to disband his 'army, finding them totally insufficient 'for the purpose of collecting the reve'nues, and for the subordination of his 'country.'—Sir James Craig, who commanded in Oude, being desired to state his opinion as to the efficiency, and discipline of the troops of the vizier in the years 1798,-9, and 1800, says, 'They 'were totally undisciplined; mutinous, 'licentious, and many battalions not armed.' being asked, 'Were they attached 'to the person and the government of Sa'dut ali Khan, the nabob of Oude?' Sir James Craig answered, 'I never had much 'communication with them, but I always 'understood the reverse; and, I know 'the nabob himself considered them in 'that light.' (p. 97).—The Extracts to which I have presumed to call the attention of the house, in my humble opinion, incontestably prove that the internal administration of the vizier's government was radically bad; and that the interests and safety of the vizier and of the East India company required that these growing evils should be corrected. In addition to this state of internal disorder, Oude was threatened with external danger, by the approach of Zeman Shah. Under all these circumstances, the measures pursued by the noble lord in Oude appear to have been founded in the wisest policy, as well as in the strictest justice, and we have reason to believe, from the evidence of major Ousely, that those measures have promoted the real interests and happiness of the vizier, and of his people.—The following Extract of a letter to the governor general, dated 4th of Dec. 1800, shews that the conduct of the noble lord with respect to Oude, was highly approved of by the court of directors. They say, 'That they entertained a due sense 'of the highly essential services of the 'marquis Wellesley in the persevering 'zeal with which he effected a reform in 'the military establishment of the nabob 'vizier, a measure not less contributing 'to the preservation of his excellency's 'dominions, than to the relief of the com'pany's finances, by furnishing a large 'additional subsidy, to the annual amount 'of fifty lacks of rupees, to reimburse the 'charges of the late augmentation of our 'troops in that quarter, so necessary to be 'made in view to the ultimate security of 'our possessions against the invasion of

'Zeman Shah, or of any other power 'hostile to the British interests: and that 'they had the firmest reliance upon the 'continuance of his lordship's exertions 'for introducing the necessary improve'ments into the civil administration of the 'affairs of the nabob vizier.'—And the Secret Committee in a letter dated the 19th Nov. 1803, approved of the conduct of marquis Wellesley in the following terms: 'Having taken into our considera'tion the treaty lately concluded between 'the governor gen. and the nabob vizier 'we have now to signify our approbation, 'of the provisions of the treaty. We 'consider the stipulations therein contain'ed, as calculated to improve and se'cure the interests of the vizier as well 'as those of the company, and to provide 'more effectually hereafter for the good 'government and prosperity of Oude, 'consequently for the happiness of its na'tive inhabitants.'—We find in the Carnatic Papers laying upon our table, that in the war with Hyder Ali in 1780,-81, and 82, lord Macartney, then governor of Madras, found it absolutely necessary to assume the management of the revenues of the Carnatic, in order to have security for the payment of the nabob's subsidy.—In the war with Tippoo Sultan in 1790, lord Cornwallis had recourse to the same expedient; and a treaty was concluded with the nabob, by which the collection of the revenues was to be assigned to the Company during war,—not merely the necessity of this temporary assignment during war, but the necessity of having permanent territorial security for the payment of the subsidy, was so evident to a noble friend of mine (lord Buckinghamshire) who resided over the government of Madras with so much honour to himself and advantage to the public, that he endeavoured by every means in his power to modify the then existing treaty with the nabob of the Carnatic; on that principle, the Court of Directors highly approved of the conduct of my noble friend, and lamented that his zealous endeavours had not proved successful; as, in their opinion, nothing short of the modification proposed, was likely to answer any beneficial purpose; and lord Wellesley, on going to India, was instructed to accomplish that object. Territorial possession, therefore, instead of subsidy, has been a principle acted upon in India by the predecessors of lord Wellesley, and recommended and sanctioned by the highest authority at home.—In considering this important subject, it appears necessary to take a short view of the political state of India, at the time the noble lord assumed the charge of that government. Tippoo Sultan, compelled by lord Cornwallis to purchase a peace under the walls of his capital, by the surrender of one half of his dominions, by the payment of a large sum of money, and by delivering up two of his sons as hostages for the due performance of that treaty,—from this moment had been seeking the means of revenge. He had connected himself more closely with the French, from whom he actually received succours of troops. He had stirred up Zemaun Shaw and other native powers against us, and the Carnatic was threatened with the renewal of war. —The court of the Nizam was entirely controuled by French influence, and there was at Hydrabad a large and well disciplined native force under French officers, ready to co-operate with Tippoo Sultan, menacing the weakest part of our possessions on the coast of Coromandel.—A formidable native force, under 300 French officers, nominally in the service of Scindia; but in reality totally independant of him, was stationed on the most vulnerable part of our Bengal frontier (Oude); and M. Perron, who commanded that force, also commanded the resources of the country, and was in the receipt of an annual revenue of upwards of one million sterling. Let us for one moment look at the amount of this force.—The army of Tippoo Sultan amounted to 94,000 men, 50,000 of which, with a train of 130 pieces of artillery, he afterwards brought into the field against us. The French force at Hydrabad consisted of 15,000 native troops, and 60 field pieces. The French force under M. Perron, consisted of 40,000 well disciplined native troops, and 280 pieces of Artillery, making altogether a regular field force of 105,000 men, and a train of 470 pieces of Artillery. If to this we add the armies of Scindia, of the Rajah of Berar, and of Holkar, amounting to 95,000 cavalry, 30,000 infantry and 400 guns, we shall find there was a force of no less than 230,000 men and 870 guns, which, in my opinion, would have been brought into the field against us if that formidable confederacy had not been defeated, by the foresight, the promptitude, and the vigour of the measures pursued by the noble lord.—This force is independant of Zemaun Shaw's army, which menaced

Oude, and of the army of the Nizam. Besides these dangers with which we were threatened at the time the noble lord took charge of the Indian government, he found an empty treasury and our credit so low, that the company's 8 per cent. paper was at a discount of more than 20 per cent. I would beg to call the attention of the house to the situation in which we should at this moment stand, threatened as India is by the ruler of France, if the measures of the noble lord not been carried into effect? I would ask, what our prospects would be if a large French force, reaching the north-western frontier of India, were to be there joined by 40,000 well disciplined native troops, under French officers, and 200 pieces of Artillery, with every necessary equipment for an army, and with the resources of a country, yielding an annual revenue of above one million sterling?—If Oude, our frontier, was in the disordered and distracted state in which it was found by the noble lord, with its army as described by Sir James Craig, totally undisciplined, 'mutinous, licentious, unarmed, and disaffected to their prince and his government.' I think we might tremble for the safety of India. But if, in addition to this, there was a force of 15,000 men and 60 guns, under French officers at Hydrabad, threatening the northern Circars and to cut off all communication by land between Madras and Bengal?—If Tippoo Sultan was at the head of an army sufficiently powerful to meet us as he did, single handed in the field? If Scindiah, the rajah of Berar, and Holkar, were combined against us? And if French influence pervaded every court in India? I think there is no man that hears me so sanguine as to believe that, under these circumstances, we could retain our dominion in the East.—Fortunately, these dangers have been averted by the noble lord. He augmented the British force in Oude to guard against the attack that was menaced by Zemaun Shah, and directed the whole of his attention to overcome our foreign enemies. The French force at Hydrabad, and the French influence at that court, were completely annihilated. This able measure was followed up by the conclusion of a treaty with the Nizam, by which our subsidiary force was considerably augmented, and British influence was established. In the short space of two months, from the time the army under general Harris crossed our frontier, Tippoo Sultan, in the vain attempt to defend his capital, lost his life; and his dominions surrendered to the British power.—The Peishwa, driven by Scindiah and Holkar from his capital, and obliged to take refuge at Bombay, was restored to his authority, and a subsidiary treaty was concluded with him, similar to that with the Nizam.—Cuttac, the only maritime territory of the Marhattas on the coast of Coromandel, ever considered of the utmost importance, as connecting our possessions in Bengal with those of Madras, and as shutting out the French from all communication with the Mahrattas, on that side of India; was acquired.—Acquisitions, nearly as important, were made on the coast of Malabar, excluding the French in that quarter.—In less than three months, lord Lake (a name it is impossible to mention but with the deepest concern) gained three brilliant victories—in which he destroyed 31 battalions of Perron's army, and took 268 guns. A gallant officer, an honourable member of this house, in two brilliant actions, at Assaye and Argaum, which, for conduct in the general, and determined bravery in the troops, have never been surpassed—and where, if ever victories were gained by the exertions and example of an individual, they were gained on those occasions, by the exertions and example of my hon. friend; in those two actions, he completely defeated the armies of Scindiah and the Rajah of Berar, destroyed the remaining battalions of Perron's army and took 136 guns.—These glorious victories were followed by advantageous treaties of peace.—These are a few of the splendid services of that illustrious character, Marquis Wellesley. I will not trust myself to speak of the return he has met with. During a period of seven years, the most eventful in our hisrory of India, decision, energy, and purity marked every measure of his administration, and they were crowned with success.—Thinking as I do of the conduct of that noble lord, thinking that he was the saviour of British India, and convinced that an ardent zeal to promote the honour and the real interests of his country governed every part of his conduct, I shall oppose the Resolutions moved by the noble lord; and shall most cordially concur in the motion of the right hon. baronet.

Mr. *Grant* differed from the hon. gent. who had just sat down, because he thought the measures of the noble marquis had been extremely prejudicial to the interests of the company. He thought the transaction in Oude, both in its nature and progress, extremely unjust. Of all the important questions that could come under the consideration of parliament, this was the most important, because to that was the last appeal to be made, in case of any abuse of power in British India. After adverting to the circumstances by which the company first became involved in the quarrels of the native princes, the hon. gent. said, that whatever might have been the opinion upon these subjects, they had always considered treaties as sacred. Marquis Cornwallis felt sensibly for the disorders in Oude, but so strong was his regard for the faith of treaties, that he never interfered upon the subject, otherwise than by remonstrance. It was in the breach of the treaty that the essence of the present question consisted. A solemn treaty had been violated six months after it had been entered into, without any material change of circumstances to render that violation necessary. The negociation which led to the new treaty was carried on with a series of compulsory measures, executed with extreme rigour, by which the nabob was compelled, under a menace of the deprivation of his whole territory, to agree to the new treaty, whereby he was to pay 135 lacks instead of 76 lacks of rupees, as a subsidy, and instead of ten or thirteen thousand troops, any unlimited number was to be employed in his territory. Thus the nabob had been deprived of the whole benefit of the Treaty of 1798, and yet in 1806, the number of British troops employed in Oude did not exceed 11,400. The nabob was by these means reduced to the state of a Zemindar completely dependent upon the government of Bengal. When Oude first threw itself into our protection, it was by treaty, and, except by treaty, we had no right to alter the relation of that country to our empire in India, for the nabob had fully complied with the treaty of 1798. The time at which that treaty had been violated had been a time of profound peace. They had heard much of the alarm of invasion by Zemaun Shaw, and of the danger arising from Buonaparte being in Egypt. But he had marquis Wellesley's own authority for saying, that the danger of invasion had passed away at the time of the treaty by the destruction of Zemaun Shaw. Here the hon. director proceeded to read an extract from a letter of lord Wellesley to the secret committee of the court of directors. This document proved that the danger from Zemaun Shaw had passed away at the time the treaty was negociated, and he contended that before the troops had been marched some communication ought to have been made to the nabob. The demand of the reform of his troops the nabob seemed never to have understood, but as applying to their improvement, and not to the reduction of them, and therefore, some explanation ought to have been given to him of what was required of him. On the whole, he could not see that the occasion called for the interference. The assumption of the territory in the Carnatic, which had been done under an imperious necessity, did not apply; and as to the deposition of Vizier Ally, that event had originated in his own violence; and the circumstance of his being spurious, and not of the blood of Rajah Sujah al Doulah. The hon. gent. denied that the transactions in Oude had ever received the sanction of the court of directors at the period stated by the hon. baronet, and for a good reason, because they had not been acquainted with them, and when they were informed respecting them, they had taken the course that the occasion called for. It was not till the 24th of June 1802, that the treaty had been communicated to the council of Calcutta, six months after the transaction had taken place, and a great part of the impropriety of the case arose from the circumstance of the noble marquis having taken upon himself to violate the treaty of 1798, and to take one half of the province of Oude from its sovereign. It might be asked what was now to be done? He would not take upon him to say, but he thought that substantial justice ought to be done in some manner. The character of this country was its dearest possession, and he was convinced that that character would be compromised, if the house should not, with a view to national honour and national justice, express its disapprobation of this transaction.

Sir *John Anstruther*, in explanation, denied that he had thrown out any aspersion on the administration of lord Teignmouth, although he thought it a government more of mildness than of vigour.

Mr. *Wallace* declined entering into any detailed examination of the Papers on the table, but vindicated lord Wellesley's conduct from the great feature of his administration. With respect to the Resolutions of the noble lord, they kept short of moving an impeachment; but lord W. was not much obliged to him for that, because, if the stigma affixed upon his conduct was just, the house could not, consistently with its own honour, and that of the country, forbear prosecuting him before a higher tribunal. Our connection with Oude, he maintained, originated in absolute conquest, and all that the nabob or his family possessed they owed to British munificence. In the treaty of 1798, it was stipulated, that if there were more than 13,000 men in the country of the nabob of Oude, he was to be charged with the support of them; and if there were less than 8,000, there was to be a proportionate deduction in the subsidy, and there was also in the treaty an established right of general interference in the government. On lord Wellesley's arrival in India there was the loudest call for this interference. There was no protection either for the person or property of the inhabitants, and they were oppressed by a large, useless, licentious, and he might add, disaffected army. In support of this statement he quoted the authority of sir James Craig; and if this was true, lord W. had two things to do, to substitute a force for the defence of the country, and to get rid of an army which only served to burthen the country. Of the necessity of this reform in his army the resident of the nabob himself was convinced. But before a negociation for this purpose could be set on foot, a voluntary proposition was made by the nabob to abdicate his government. This proposition lord W. met with eagerness. But was his acquiescence in a proposition which was likely to be productive of the best effects to the people of that country, to be attributed to the overweening ambition of the noble lord? If this was a crime in the noble lord, the hon. gent. declared that it was one in which he deeply partook. But so far from its being a criminal act, he thought lord W. would have been wanting in his duty, not to have embraced an opportunity of doing so much good, by transferring the inhabitants of an oppressed and distressed province, to subjection to the mild laws of a British government. In these circumstances, British troops were sent into the country; and this measure was, in the first place, perfectly consonant with the treaty; and in the next place, it was in the then situation of the province of Oude, absolutely necessary to the defence of the country, which was essential at the time to the protection of the British dominions. It was incumbent on those who contended, that our power was then abused, to shew either that our territory was not threatened, or that the troops of the nabob were adequate to his defence; neither of which propositions could be made out if attention was paid to the hostile demonstrations of the Mahratta powers, or to the state of the nabob's army. And if a British force was necessary, the only question remaining to be settled was, whether the number of troops sent into the province of Oude were more than sufficient for the purpose of its defence; for if they were not more than what the exigency of affairs required, we were authorised by one of the articles of the treaty to demand that the expences of the army should be defrayed by the nabob; and if this could not be done by any other means, to take possession of his territory as a security. On these grounds he gave his decided negative to the Resolutions of the noble lord.

Mr. *S. Lushington* (Member for Yarmouth) contended, that the observations made by the hon. gent. who preceded him, did not, in great part, apply to the question then submitted to the consideration of the house. Without following him throughout the extensive circuit he had taken, the paramount question was, whether the character of Great-Britain, for good faith, had been preserved? It was, whether the marquis Wellesley, in those treaties, which pledged the honour and credit of this country, had not, without any pretext on the part of the nabob of Oude, violated their spirit and letter, and consequently deteriorated our character with the native powers of Hindostan? The hon. gent. had asked, what benefit could marquis Wellesley acquire in keeping possession of the principality of Oude? That was not the question; but the fact was, that he had continued in possession of that principality from 1801 until 1805. The noble marquis had disdained to regulate his policy in the government of India by that system which the East India directors had recommended; regardless of the voice of the British legislature, of two acts of parliament forbidding the extension of territory, he had, confident in his own talents, and in gratification of his own ambitious views, abrogated the solemn provisions of ratified treaties, and committed, by his disregard of the recorded injunctions of parliament, the good faith of the British character, and the security of our possessions in India. It had been said that such a system of action was executed for the public good, that it was not only calculated to produce benefit to Great Britain, but to the very people and government against whom the aggression was committed. Against this interference he should ever contend, that it was the universal plea of tyrants, the ready defence of oppression, and it was that palliation which heretofore had been given by all the promoters of conquest and subjugation in India. Such a defence was similar to that assumed by Buonaparte; it was only to be compared with the French degree of 1792, which this and every other moral country reprobated, because it was founded on that reprehensible principle, that a foreign power was justified in interfering with the domestic arrangements of a state, under the professed pretext of correcting the errors of its domestic policy, and of advancing the general happiness of the people. Was it in England that such a plea could be tolerated? Was it in this country that such a pretext of interference with the rights and independence of a recognised government could receive sanction and support from its legislature? But, what was the first mode of relief? it was a monopoly of salt, from which the hon. gent. who spoke last said a revenue of 125,000*l.* was derived. Such an impost, as creating a monopoly, was in every view injurious; but, as affecting a necessary of life, was unjust and tyrannical. The hon. gent. opposite had reviewed the whole history of India, from the first establishment of the British power in that quarter of the world, and had laid considerable stress on the probable dangers which threatened the Indian interest of this country in the years 1790 and 1791. In what way did they apply to the merits of the present question? For any explanation or defence to be extracted from such a reference, he might as well have talked of the probable dangers with which this country was menanced by the Spanish power, in the reign of queen Elizabeth. The fact still remained undenied and indisputable, that the marquis Wellesley had violated the recorded and positive determination of parliament, and therefore he trusted that the house of commons, in defence of their own resolutions, in support of the law of the land, in vindication of the national character, would visit with its censure any man, from the lowest servant in the service of the East India Company, to the proud and mighty governor who travelled with his troop of horse, who should dare to act in disobedience to the promulgated enactments of the legislature and to the total disregard of existing treaties. There was no proof of that evident necessity, which could alone warrant the interference with the nabob of Oude. There was no backwardness in the payment of his instalments on the part of that prince. But it was evident, that from the very moment that marquis Wellesley arrived in India, when he was scarce warm in his office, before any complaint was or could be made against the nabob, he, the marquis, had, in his first dispatch to colonel Scott, the resident at Lucknow, expressed his determination of possessing himself of the Duab, a very extensive proportion of the territory of Oude. Whilst, therefore, the non-payment of the subsidy was made the visible ground for invading the independence of that prince, the eventual accomplishment of a territorial cession was the paramount object of the marquis Wellesley's policy and exertions. Indeed, from the correspondence of that nobleman with colonel Scott, there was nothing to be traced but one tissue of hypocrisy and dissimulation, holding out false hopes and views to the nabob, at the same moment that difficulties were created, in order to make their existence a pretence for carrying into effect the views of aggression entertained by the marquis Wellesley, from the first moment of his arrival in India, against the principality of Oude. Much had been said of the dilapidation of the resources and financial means of Oude, in order to give a colouring to the system of conduct pursued against the nabob. Let the house and the country for a moment bear in their recollection, that from the commencement of the British intercourse with Oude, the subsidy paid by that principality increased, in 24 years, from 115,000*l.* to 1,600,000*l.* British. A pretty convincing answer to such allegations, and an unanswerable proof that there was no disinclination on the part of the nabob to pay for the security he had received. But for what purpose were the means of assistance adopted by the British government? Was it for Oude solely? There was no person so Quixotic as to believe that any government was now animated by such disinterested principles. It then was for the security of the British power in India; and surely if a sum of money was expended for the defence of Ireland and Scotland, and through these parts of the kingdom for the security of the empire, there was no man who would say that these particular portions should be separately burdened with the expence which was incurred. But the marquis Wellesley, in his conduct to the nabob, was not content with exacting the whole of the subsidy. He called not only for it, but, as it was rumoured, for more than the specific amount, and that to a moment; adding, by his future demands for territorial cession, a spirit of severity to a principle of perfidy and injustice. It was in evidence before the house, that lord Teignmouth had declared, that as long as the nabob of Oude paid his instalments, the British government was bound by treaty not to demand any territorial security. He did pay up the instalments; and in what view did the aggression of marquis Wellesley then present itself? Yet, under all the obligations of the treaty of 1798, the nabob was to have complete controul over his household, his troops, and his subjects. Could the noble lord confine these expressions to a controul over his wardrobe; for little else did that nobleman leave to the unfortunate prince? Was there then any wonder in seeing, as the declaration of the East India Directors expressed, the nabob in tears, and much dejected. Was there any surprise in finding that he had laid down the turban of a Mahometan prince, and retired from the palace of his fathers, to the hovel of a peasant, weighed down, as he was, by the oppression and injustice of the aggressions committed by marquis Wellesley. It was upon these grounds that he appealed to the feeling of the house, to its love of justice, and sense of moral character. He called upon it to vote its censure upon a man, who, in violation of the law of the land, and the binding provisions of a solemn compact, had been guilty of cruelty and oppression, had degraded the character of his country, and would, on every progressive step of the inquiry, be found more deserving of public reprobation.

Mr. *Bankes* thought that the house had no jurisdiction on the subject. He deprecated, at all times, the house taking upon itself judicial functions, as he conceived they generally, in such cases, judged badly. He thought it highly improper. He remembered the house once being occupied for a long time in judicial investigations about sir Thomas Rumbold, which ended by the members absolutely ceasing to attend; and, on the last resolution upon that business, there were precisely 40 members in the house. The delay in Mr. Hasting's business also shewed the necessity of a separate judicature for Indian affairs. The hon. member concluded by deprecating all further investigation upon a subject wherein the house could come to no efficient conclusion answering the ends of justice. Its constitutional capacity was legislative and not judicial, and therefore it was useless to investigate where it had no power to judge or to execute. He would rather, under such circumstances, form no opinion upon the subject, than pursue inquiry to no effect. He would therefore conjure the house to desist from farther investigation, but he hoped that would not defeat the ends of justice in some other way. He remembered to have read of an instance in the year 1773, when a similar enquiry was instituted in that house relative to lord Clive, when, after a similar debate to this, which continued till five in the morning, the house seemed to be agreed, that there was no reason to doubt the truth of the charges; but nevertheless, it was induced to adopt a sort of conclusion, that the noble lord had rendered great and important services to the country, and that therefore it became matter of serious question, whether the Resolutions for his censure ought to be adopted, and they were eluded by a previous question.

Mr. *W. Smith* suggested the propriety of adjourning the debate, on the consideration of the lateness of the hour, and the many members who had yet to deliver their sentiments upon the extensive question then before them.—After a few words from the chancellor of the exchequer and lord Folkestone, the debate was adjourned to Tuesday next.

HOUSE OF LORDS.

Thursday, March 10.

[KING'S MESSAGE RESPECTING SWEDEN.] Lord Hawkesbury presented the following Message from his majesty; " G. R. His majesty thinks it proper to acquaint the house of peers that the king of Sweden having resisted every threat that had been employed to induce him to join the hostile continental confederacy against Great Britain, and having thereby exposed his dominions to increasing and imminent danger, his majesty felt it his duty to afford that monarch the most prompt and efficacious support and assistance. His majesty has, therefore, entered into a convention with the king of Sweden, a copy of which he has directed to be laid before the house; and he relies on the wisdom and liberality of his faithful commons, that they will enable his majesty to make good his engagements with an ally of such approved firmness and fidelity."

His majesty's message was ordered to be taken into consideration on Monday, on the motion of lord Hawkesbury, who stated that copies of the treaty would probably be delivered to their lordships before they separated. The earl of Lauderdale asked if there was any article in the treaty, for imposing duties similar to those in the bill for carrying into effect the orders of council? Lord Hawkesbury answered in the negative.

[EXPORTS.] Lord *Auckland* held in his hand, and perused with satisfaction, a paper lately laid before their lordships, of the amount of the exports from this country; which almost reached the sum of 40 millions. He had already observed to their lordships what a very large proportion of those exports were taken by America; and hence he had urged how ruinous to our commerce the operation of the Orders in Council must prove, especially if carried to their utmost extent against the trade of the United States. It would be found, that between the account now in his hand, and a similar one presented last year, there was a difference of between three and four millions, but of this falling off he was not disposed to complain; but at the same time, he must advise their lordships to prepare their minds for a very different statement next year, should the measure of the Orders in Council be unfortunately persisted in to their present extent. The noble lord further observed that, in order more precisely to ascertain the difference between the two years in the different branches of our manufactures, he should now move, "That there be laid before the house an account of the amount of the value of the Exports for the last three months, ending the 5th of Jan. 1808."

The Earl of *Westmoreland* would not object to the motion of the noble lord; but he could not help remarking the difference of tone which the noble lord assumed on the same subject this year, from what he had assumed in the preceding year. Last year his observations were accompanied with a warm panegyric on the late administration. This year there was no panegyric on his majesty's present ministers.

Lord *Auckland* said it was too much for the noble earl to expect a panegyric on the present occasion, unless he should praise ministers for the diminution in the exports of the country to the amount of nearly four millions. He had indeed adverted to that falling off; but he had said, he did not complain of it. To panegyrise ministers must surely have savoured of irony.

Lord *Stanhope* advised ministers not to provoke comparisons between their own conduct and that of their predecessors. In the conduct of the latter there was every thing good, in that of the former nothing but mischief.—The question was then put and agreed to.

[OFFICES IN REVERSION BILL.]—On the order of the day being read for the house resolving itself into a committee on this bill,

Lord *Arden* rose to oppose the measure altogether. Nothing had occurred to his mind since the question was last agitated to induce him to depart from the opinion he had then expressed; he should, therefore, still persist in considering the bill as an infringement of the prerogative of the crown; and, in the manner in which it was brought before their lordships, he might also fairly contend that it was an encroachment on the privileges of their lordships' house. He could not but express his apprehension of what might be the consequences of their lordships' acquiescing in the measure. He would, however, refer them to the measures that were witnessed in this country in the year 1641, and to the consequences with which they had been attended. They afforded so strong a lesson to him on the present occasion, that he must give his decided negative to the bill going into a committee, as he completely despaired that it would be possible, by any amendment, to free it from the objections to which he thought it liable. He should therefore move, that the order be discharged.

Lord *Boringdon* was at a loss how the bill could be viewed in the light in which the noble lord seemed to consider it. It was not in the contemplation of the bill to infringe the prerogative of the crown. Its object merely was to suspend the granting of places in reversion for a time to be limited; such at least he understood would be one of the amendments proposed in the committee? and on the ground of that intended amendment it was that he should vote that the bill be committed. That suspension of the exercise of the prerogative he could not view as an infringement of it; nor could it be fairly supposed that the measure was unacceptable to the crown. It must be remembered by all their lordships, that in the last session of parliament it was recommended by his majesty, in the speech delivered by the commissioners, that both houses of parliament should pay an early attention to the best means of introducing economy into the public expenditure. The recommendation proceeded, no doubt, from the address of the house of commons to his majesty, praying that his majesty would not in future grant any places in reversion. Here then it appeared that the measure, as proposed by the other house, was a part of a system of economy which the present situation of the country seemed justly to call for; and that, as such, it was recommended from the throne. How then could noble lords object to the bill in toto, as an infringement on the prerogative? If it was intended to make it a permanent legislative measure, he should object to it also; and look upon it be, in some measure, an encroachment on the usage of the prerogative. But the reason, as he already stated, for the bill going into a committee, was, that in the committee he expected its duration would be limited. He did not expect any great saving would be made by it to the public; nor would he allow it to be a permanent legislative measure; but he was anxious it should be fairly entertained out of respect to the opinion of the other house, and to the recommendation that opinion had received from the throne. He did not conceive that any inconsistency would be imputed to him on account of any difference in the opinion he had expressed of this measure, when it had in a former session been before the house. His opinion was then, as it was now, guided by the same principle and the same spirit; and under that impression, he should vote for committing the bill.

Lord *Redesdale* argued, with great warmth, against the bill. It was not only an infringement of the prerogative, but an encroachment on the privileges of that house. The increasing influence of the crown was a topic which, in all times, it had been fashionable to dwell upon. Since Mr. Burke's famous bill, he would, however, contend that the influence of the crown had been diminished rather than increased. Since that period, the commercial wealth of the country had very considerably augmented; and, with it, the price of land had also risen. So that, upon due consideration, it would appear that the influence of the other orders of the community had increased, while that of the crown remained stationary, or, in comparison, seemed to decrease. The form and manner in which the bill was brought in, had also much in it to alarm their lordships: it appeared to him in the shape of a threat, or as the commencement of measures the consequence of which we might too late deplore. He agreed with his noble friend (lord Arden) in representing it as one that might remind their lordships of the year 1641, and of the calamities that ensued. He could see nothing to fear in the influence of the crown; it was no more than it ought to be for the maintenance of its own dignity, and for the security of the privileges of that house, with which the security and authority of the throne were so nearly connected. As in other things, the terrors of the influence of the crown continued after the cause of these terrors had long ceased. There was nothing now in that influence justly to alarm the country. It was fully counterbalanced by the growing influence of the other estates. But we were told it was not the intention of the measure to go any further than to a temporary suspension of the prerogative. Whether the bill was for one, or two years, or four years, was just the same to him. It was the principle, not the duration of the measure, he objected to; in the principle was the mischief of it, and he would oppose it in the very beginning. It was the beginning of every evil that ought to be resisted, because resistance might afterwards be fruitless. Let their lordships look to the beginning of the French revolution. Let them consider what irreparable mischief followed the advice of M. Neckar to increase the number, and consequently the weight of the tiers etat. The tiers etat prevailed; the nobility were soon proscribed, despoiled of their possessions, and driven into beggary and exile; and what was the pretext and cause of that violent change? The reform of abuses; the adoption of an economical system. If their lordships were therefore wise, they would meet this first attempt of a similar nature, and not yield to it. For his part, here he should make his stand. The other house might propose such measures of reform and economy, but he was determined not to submit.

The *Lord Chancellor* left the woolsack merely to observe, that he had delivered his sentiments fully on a preceding day; that he continued in the same persuasion; and that this bill should not, with his individual concurrence, go into a committee.

Lord *Holland* urged the expediency of agreeing to the bill, and defended the conduct of the house of commons, which he conceived to be perfectly constitutional, the amount of it merely being an address to his majesty not to grant any offices in reversion until six weeks after the commencement of this session of parliament. He differed with the noble and learned lord as to the causes of the evils which followed the transactions of 1641; he thought they were rather produced by high prerogative lawyers stretching the prerogative too far. As to the fears of what had been once formidable remaining when the danger had ceased, it might be to that sentiment that we might attribute the terrors some people even now had of the pope, and their fears for the return of queen Mary. He intreated their lordships not to reject the bill; but, on the contrary, by agreeing to it, to shew their disposition to concur in measures of public economy.

The Earl of *Carlisle* objected to the bill, on the ground that no necessity for it had been proved; there was nothing but the mere statement in the preamble that it was expedient, but why it was expedient was not shewn; and that, in his opinion, was not a sufficicient ground for calling upon the king to give up a long-used prerogative. He thought the bill ought to be discussed there on its own merits, without mixing with it any question about the conduct of the house of commons.

The Earl of *Moira* also objected to the bill, on a similar ground. He did not think the bill at all a measure of public economy; or that it had any greater connection with public economy than with the Greenland whale-fishery. The prerogatives of the crown must be always considered to exist for the benefit of the people; but in this case there was, in his opinion, no object of public benefit to be attained. Under the circumstances, however, in which this bill came to the house, he intended, if the order was discharged, to move that a message be sent to the house of commons, requesting a conference, in order that they might state their reasons for passing the bill.

Lord *Harrowby* strongly urged the expediency of agreeing to the bill, with the limitation intended to be proposed by his noble friend, in order that it might be considered in the interim, whether any of the offices granted in reversion ought to be regulated or abolished. Their lordships had an important public duty to perform; they ought not to be swayed by influence on the one hand, or by clamour on the other; but do steadily that which seemed the best mode of removing any grievance, or carrying into effect any proper plan of public economy. He could not see any danger in agreeing to this bill; if any other measures should be proposed which were inexpedient or improper, as his noble and learned friend seemed to apprehend, it would be competent for their lordships to reject them.

Earl *Grey*.—My lords; the noble lord who has just sat down, has delivered observations so marked by political prudence, that I should have felt it unnecessary to have troubled your lordships, were I not unwilling to give a silent vote on a question of such vital importance at the present moment. I have heard fall from a noble and learned lord (Redesdale) such strange inferences, that I really feel at a loss in what manner to account for them, unless by supposing him to be influenced, on this occasion, by as strong a political bigotry, as recently he was by a religious bigotry, so violent as not to have permitted his majesty's ministers to venture his return to Ireland. That learned lord has declared his decided hostility to this measure, principally upon three grounds; first, that its advocates have afforded to this house no proofs of its expediency; next, that it is a direct invasion of the royal prerogative; and finally, that it is objectionable, from the manner in which, he asserts, the other house of parliament has attempted to force it upon the consideration of your lordships. My lords, in the first place, its expediency has appeared manifest to those who, by the vote of the other house, a vote recommended by the Speech from the throne, had, in consequence of very accurate investigation and very mature inquiry, found that, in order to effect all the objects of a salutary and practicable economy, an end ought to be put to the granting of offices in reversion. It was found, that whilst such grants continued to be made by the crown, it was impossible either to abolish or regulate those offices, which, from a change in circumstances, had considerably varied in the nature of their importance, and the extent of their duties, from the period when they were originally bestowed. Did the noble and learned lord not know, that there were offices now enjoyed by persons, under such grants, wherein, from a variety of causes, such a considerable advance in the salary and profits had taken place, as never could have been in the contemplation of the crown when it bestowed them, or in the view of the public when it assented to that prerogative, in virtue of which the power of conferring them was exercised. Indeed, in the case of the noble lord who has thought proper to move the amendment of this night, I find the strongest illustration of this proposition. And here, my lords, give me leave to assure you, that in adverting to this fact, I am as sincerely impressed as any man who hears me with the valid and just title of the noble lord (Arden) to the benefits of the situation which he holds under this species of grant. Neither can I be supposed to attribute to him any other motive for the line of conduct he has adopted on this occasion, than the conviction that he entertains of the injustice and impropriety of infringing on the prerogative; a consequence which he, in my opinion, has so delusively attached to this measure. But, is there a man who hears me who is not fully convinced that the salary of the reversionary office which he holds, has, by the operation of unexpected and recent causes, totally changed its original extent, and advanced in profit far beyond any estimate that ever was entertained either by the person who granted or him who received the office originally? If I am not much misinformed, that place has advanced in income, from comparatively a very trifling amount, to the enormous sum of 20,000*l.* per annum. Can the noble and learned lord still complain of the want of proofs, in order to establish the expediency of this prohibition? or can the house believe that this is a solitary case, or one not sufficiently strong to induce your lordships to interpose a legislative correction against the continuance of such a dangerous system? Every inquiry that is made will more fully prove the variety of similar cases which exist, and in what a powerful manner they operate as impediments to the necessary and expected reform of the public offices, and consequently to the alleviation of the public pressure.—We next proceed to the objection arising from the infringement this measure is supposed to make on the prerogative of the crown. To the constitutional prerogative of the executive authority I profess myself a sincere friend, and therefore it is that I anxiously call upon the house to put an end to a system, above all others calculated to strip the crown of those rights which are so necessary to its honour and security. Let me ask, in what manner this bill operates against that prerogative? Is not the crown the fountain of honour? Has it not the sole power of the appointment to great offices? What else, then, does this bill effect, but to reduce those places and offices to the standard by which at their original formation they were regulated? What change does it introduce, what inroad does it make, but in lopping off those enormous profits, which never were in the contemplation of the grant, even when serious and active services were to be performed? But, says the noble and learned lord, I cannot reconcile myself to support the principle of this measure, because in its operation, or in being made the precedent for succeeding innovations, it might possibly or probably be attended with most mischievous and dangerous consequences. Really, my lords, it is impossible to answer this argument, but by others which have heretofore on many occasions been introduced into discussion. If, indeed, such an objection was to succeed, if the spirit of improvement was to evaporate from the influence of possible dangers and probable apprehensions, if errors were not to be corrected or evils remedied from an overweening dread of innovation, then this country would have to lament the want of all those great and glorious privileges and securities which constitute, so deservedly, our national boast and our most essential safeguard. For what was Magna Charta but an innovation? What else was the Right of Petition? What else the Revolution, that glorious epoch, when this country obtained a recognition of its liberties? Indeed, I would ask the venerable bench of bishops, whom, on this occasion particularly, I see in such formidable numbers arrayed against me, whether, if this dislike to innovation, this hostility to improvement, had existed some centuries past, this country would have participated in the enlightened wisdom and numerous benefits of the Reformation; or whether they themselves would have ever had a seat within these walls, with power to decide on this measure of reform, which they are now perhaps prepared to oppose? The noble and learned lord, in his recital of the evil effects which might probably ensue from the adoption of this bill, or from any curtailment of the royal prerogative, has alluded to the history of this country in the year 1641, and to the French Revolution. In reviewing the dreadful occurrences of those unhappy times, and particularly in the period of our own history, we are induced to overlook the errors of that unfortunate monarch, Charles I. in the tragic catastrophe which befel him. But were the calamities of that reign to be attributed to any concessions to the claims of the people? Unhappily, the melancholy fate of that prince can be traced, to the obstinacy with which every improvement was opposed, to the unbending disinclination to conform to the spirit of the times, and to the progress of mental advancement. And let it not be forgotten, that when forced into a momentary acquiescence to the desire of the nation, the first opportunity was seized to add perfidy to refusal. And, my lords, with respect to the French Revolution, where can we find a more signal and melancholy exemplification of the danger of not yielding to those plans of salutary and wholesome correction which the defects of all human institutions render absolutely necessary? And here I call upon those who are so particularly attached to the court, I call upon those illustrious and royal personages opposite to me [the dukes of York, Cumberland, and Cambridge] who are so active in their opposition to this measure, to reflect upon the fallen and prostrate state of the legitimate sovereigns of Europe, to consider the lamentable change which has befallen some of the most illustrious families on that continent-some expelled from the thrones of their forefathers, or degraded into the lowest vassalage to the great and inordinate power of France. Be assured, that much as the unrivalled conqueror of the European continent owes to his own extensive talents for success, much as he is indebted to the undisputed sagacity of his plans, and to the rapidity and discipline of his armies, for his gigantic elevation, he has had great and powerful auxiliaries in the selfishness, the sordid views, the illiberal jealousies, of the dynasties he has subverted; in the apathy and torpor of the oppressed and despised population over whom he has triumphed. Convinced as I am of these truths, I conjure this house to hesitate before it commits itself with the country, by the rejection of a measure which the people expect, and which, in its operation, must tend to alleviate the pressure of the severe, though unavoidable, burdens under which they labour.

Lord *Hawkesbury* anxiously wished that the bill should go into a committee. He agreed entirely in the sentiments expressed by the noble lord who spoke last but one, and thought that it was no improper interference with the prerogative, for either branch of the legislature to give the advice that appeared to them to be good for the exercise of the prerogative in the manner the most advantageous to the people. It might perhaps have been as well if the bill had been merely for the suspension of the exercise of this branch of the royal prerogative for a time to be limited, but he was bound to vote for the bill going into a committee.

Lord *Auckland* said, that in the whole course of his political life, he had constantly opposed every innovation, which could not be clearly proved to be necessary. The preamble of this bill stated that the measure was expedient; but the house was not informed why it was expedient. If the house of commons were to send up a bill, 'Whereas it is expedient that tithes be abolished,' without pointing out why it was expedient, he certainly should not consider himself at liberty to vote for it.

Lord *Hood* strongly objected to the bill, upon the grounds of its inutility. No case of necessity, in his mind, had been made out to induce the house to adopt such a measure, and the length of time which the former bill had been before the house was a convincing argument against passing the present one, the former having lain upon the table until it was almost suffocated by the papers which overwhelmed it, until it was rescued from obscurity by a noble duke; then not in his place (the duke of Norfolk).

The Earl of *Lauderdale* vindicated the late government from the charge of apathy and indifference towards the fate of the Reversion-bill of last year. He himself had, upon the 18th of June, moved the second reading. He and his noble friends, however, had every reason to expect that this measure would have been patronized by the present government, who had put into the king's Speech, upon two occasions, an exhortation to the parliament in favour of public economy. The noble lords, therefore, on his side of the house, might not think it their duty to anticipate the avowed intention of ministers, unless any unreasonable delay took place in carrying such intention into effect.

The house then divided on lord Arden's motion:

Contents -	52	Non-contents	45
Proxies -	32—84	Proxies - -	39—84

The numbers on each side being equal, the non-contents, according to the usage of the house, carried it.—Upon the re-admission of strangers, lord Redesdale was on his legs, proposing to the committee, that the preamble of the bill should not be postponed; which was negatived without a division.

Lord *Hawkesbury* then moved, as an amendment, that the following words be inserted in the first clause of the bill, 'until the 1st day of June, 1810.'

Lords Grey, Holland, and Spencer, opposed this amendment; but said that, rather than give up the bill itself, or risk the chance of losing it altogether, they should not be, if the sense of the house should be for the amendment, disposed to oppose the bill so amended.

Lord *Mulgrave* entirely approved of the amendment; as, in the course of the time so limited, the public would have a practical experience of the advantages likely to result from the bill, and parliament would be enabled to ascertain how far the principle might be extended, and to what specific abuses it might be applied.

The *Lord Chancellor* disapproved of the amendment; and said that if his noble and learned friend on the cross-bench had thought proper to divide the house upon his amendment, he should have voted in support of it.

The question was then put upon the amendment, and the house divided:

Contents 21; Non-contents 59: Majority against the amendment 38.—The several clauses were then read and agreed to.

HOUSE OF COMMONS.

Thursday, March 10.

[KING'S MESSAGE RESPECTING SWEDEN.]—Mr. Secretary Canning presented a Message from his majesty relative to the Swedish Treaty, being the same with that presented in the house of lords. Mr. Canning then moved, that the Message be referred to the committee of supply to-morrow; observing, that in the course of the present evening he should have it in his power to lay on the table of the house a copy of the Treaty.

Mr. *Whitbread*, remarking that the policy of the treaty might be a subject of important deliberation, recommended that a longer time should be allowed to elapse after the house were put into possession of the treaty, before they were called upon to consider his majesty's Message.

Mr. *Canning* maintained the propriety of referring the Message to the committee of supply to-morrow. If such a serious difference of opinion should then appear to exist, as would lead to a protracted discussion, that discussion might be postponed.

The *Speaker* stated, that it was essentially necessary that a Message of this nature should be referred to the committee of supply, and it was a customary mark of respect to the sovereign, to make that reference at as early a period as possible.—The Message was then referred to a committee of supply.

[CONVENTION WITH SWEDEN.]—Mr. Secretary Canning shortly after presented to the house by his majesty's command, a Copy of the Convention between his majesty and the king of Sweden: viz.

CONVENTION BETWEEN HIS MAJESTY AND THE KING OF SWEDEN, signed at Stockholm on the 18th of February, 1808.

"The consequences of the Treaty of Tilsit between Russia and France unfolding themselves more and more in such a manner as to threaten Sweden with a speedy invasion, for the purpose of forcing her to accede to the French system; and his Swedish majesty finding himself therefore under the necessity of bringing forward, to resist its effects, a greater force than he has at his ordinary disposal, his Britannic majesty, animated with the constant desire of contributing to the defence and security of his ally, and of supporting him by every means in a war undertaken for the mutual interests of both states, has determined to give to his Swedish majesty an immediate aid in money, as being the most prompt and efficacious, to be paid from time to time at fixed periods; and their majesties having judged it expedient, that a formal Convention with regard to their reciprocal intentions in this respect, should be concluded, they have, for this purpose, named and authorised their respective plenipotentiaries; that is to say.—In the name and on the part of his majesty the king of the United Kingdom of Great Britain and Ireland, Edward Thornton, esq. his envoy extraordinary and minister plenipotentiary to his majesty the king of Sweden; and in the name and on the part of his majesty the king of Sweden, the Baron d'Ehrenheim, president of his chancery, and commander of his order of the polar star, who, after having communicated to each other their respective full powers, have agreed upon the following articles :—Art. 1. His majesty the king of the united kingdom of Great Britain and Ireland, engages that there shall be paid to his majesty the king of Sweden, the sum of 1,200,000*l.* in equal instalments of 100,000*l.* sterling each per month, beginning with the month of January of the present year inclusively, and to continue successively in the course of each month, the first of which instalments shall be paid on the ratification of the present convention by his Swedish majesty. II. His majesty the king of Sweden, engages on his part to employ the said sum in putting into motion and keeping on a respectable establishment, all his land forces, and such part as shall be necessary of his fleets, and particularly his flotilla, in order to oppose the most effectual resistance to the common enemies. III. Their said majesties moreover engage to conclude no peace or truce, or convention of neutrality with the enemy, but in concert and by mutual agreement. IV. The present Convention shall be ratified by the two high contracting parties, and its ratifications shall be exchanged at London within the space of six weeks after the signature of the said Convention, or sooner if it can be done. In faith whereof, we the undersigned plenipotentiaries of their said majesties, have signed the present Convention, and have caused the seal of our arms to be affixed thereto. Done at Stockholm, the 8th of Feb. in the year of redemption, 1808. EDW. THORNTON. F. EHRENHEIM.

Separate Article.—The two high contracting parties have agreed to concert, as soon as possible, the measures to be taken, and the auxiliary succours to be stipulated for, in the case of a war actually taking place between Sweden and the Powers her neighbours ; and the stipulations which may thence result shall be considered as separate and additional Articles to this Convention, and shall have the same force as if they were word for word inserted therein. In faith of which, we the undersigned Plenipotentiaries of their said majesties, have signed this Separate Article, and have caused the seal of our arms to affixed thereto. Done at Stockholm, the 8th of Feb. in the year of redemption, 1808. EDW. THORNTON. F. EHRENHEIM."

[PETITIONS FROM LONDON AND LIVERPOOL RESPECTING THE ORDERS IN COUNCIL.] Mr. Alderman *Combe* presented a Petition from the Merchants and Manufacturers of London, interested in the trade to America, praying to be heard by evidence and council. The Petition was read by the clerk ; it stated,

" That the petitioners contemplate, with the greatest anxiety and apprehension, the alarming consequences with which they are threatened from certain Orders in Council, purporting to be issued ' for the protection of the Trade and Navigation of Great Britain,' but on which they are induced, after mature consideration, to believe that they must be productive of the most ruinous effects ; and that the petitioners are duly sensible of the necessity of making every sacrifice of personal interests to promote the strength and resources of the country in the present extraordinary crisis of public affairs ; and, if the total change introduced into the whole commercial system of this country, and of the world, by the Orders in Council, could be conducive to so desirable an object, the petitioners, great as their losses must be, would submit without a murmur ; but, understanding that these orders are principally, if not wholly, recommended by an opinion that they will prove beneficial to the commercial interests of this country, they feel it to be their duty humbly to represent their conviction that this opinion is founded in error, and that, if the prayer of their petition be granted, they shall be able to prove, that they must be productive of the most fatal consequences to the interest not only of the petitioners, but of the commerce and manufactures of the empire at large ; and that the petitioners will abstain from enforcing, by any details, their apprehensions that these measures are likely to interrupt our peace with the United States of America, our intercourse with which, at all times valuable, is infinitely more so since we are excluded from the continent of Europe ; to this only remaining branch of our foreign intercourse we must now look for a demand for our manufactures, for many of the most important materials for their support, and for supplies of provisions and naval stores necessary for our subsistence and defence ; and the petitioners feel assured, that they will be able to prove, to the satisfaction of the house, that the neutrality of America has been the means of circulating, to a large amount, articles of the produce and manufactures of this country in the dominions of our numerous enemies, to which we have no direct access; and that the annual value of British manufactures exported to the United States exceeds ten millions sterling; and that, as our consumption of the produce of that country falls far short of that amount, the only means of paying us must arise from the consumption of the produce of America in other countries, which the operation of the Orders in Council must interrupt, and in most instances totally destroy; and that the people of America, even if they remain at peace with us, must, by a want of demand for their produce, and by the general distress our measures must occasion, be disabled from paying their debts to this country, which may fairly be estimated to amount to the enormous sum of 12 millions sterling; and that the neutrality of America, so far from being injurious to the other commercial interests of Great Britain, has promoted materially their prosperity; and that the produce of our colonies in the West Indies, of our empire in the East, and of our Fisheries on the banks of Newfoundland, has frequently found a foreign market by this means; and that, by the destruction of the neutrality of the only remaining neutral state, all possibility of intercourse with the rest of the world being removed, trade cannot possibly be benefited, but must necessarily be annihilated; and that the petitioners, feeling as they do most sensibly with their fellow-subjects the pressure of a war in which their commerce has principally been aimed at by the enemy, would scorn to plead their distress in recommendation of measures inconsistent with the honour and substantial interests of their country; but they humbly rely upon the wisdom of the legislature, that this distress shall not be increased by our own errors; and they confidently believe, that if they are permitted to illustrate, by evidence, the facts they have stated, and to explain many others which they shall here refrain from enumerating, they cannot fail to establish the conviction with which they are so strongly impressed, that the Orders in Council are founded on the most mistaken opinions of the commercial interests of the empire, and must be particularly fatal to those of the petitioners; and therefore praying, that they may be heard, by themselves, or counsel, at the bar of the house, and be permitted to produce evidence in support of the allegations of their petition, or that the house will examine into the nature and extent of their grievances in any mode which may appear advisable, with a view of affording such relief as the house may think proper."

Mr. Alderman *Combe* moved that the Petition do lie on the table.

Sir *W. Curtis* did not rise to oppose the motion, but because he thought that the house ought to be acquainted with all the circumstances under which the Petition had been framed. For some days an advertisement had appeared in the public prints, signed by many respectable gentlemen, requesting a meeting on that morning of merchants, manufacturers, &c. interested in the trade with America. Above 1000 persons had accordingly assembled; a fair discussion took place; an amendment was moved to the original motion for presenting a petition to parliament; and on the division, the chairman candidly declared, that the amendment was carried by a majority. He had not himself been present, but he understood, from the most respectable authority, that at least three parts out of four of the persons assembled were against the petition.

Mr. Alderman *Shaw* having been present at the meeting alluded to, felt it his duty to state, that the petition just presented was not the petition of the majority of the meeting. On the contrary, a majority of at least two to one, declared against presenting any petition, and in favour of the amendment, which stated, that in the present critical situation of the country, and pending the important discussions with America, it would be inexpedient to present a petition to either house of parliament. On the subject of the Orders in Council, as well as on the merits of his majesty's present servants generally, and particularly on the merits of the expedition to Copenhagen, he was convinced, that in the population of England 99 out of 100 were decidedly in their favour.

Mr. Alderman *Combe* observed, that this last observation came with singular grace from the worthy alderman, who, during his mayoralty, had invited his majesty's late ministers to his table, and as the first toast after dinner, had drank success to them.

Mr. Alderman *Shaw* observed, that in the peculiar circumstances under which he was then placed, he had, on the occasion alluded to by the worthy alderman, thought it his duty as chief magistrate, to invite all his majesty's ministers, and also his majesty's ex-ministers, who had been the ministers of the crown when he had been admitted into the mayoralty. For many of the members of the late administration he felt the highest respect, and in particular, he should never forget the eminent services of one noble lord, whose support of the interests of his country at a most critical period, would be ever remembered by him with gratitude.

Mr. *A. Baring*, having been chairman of the meeting alluded to, thought it but proper to state what was his opinion concerning it. The numbers, he should conceive, were between 4 and 500, and the majority about 4 to 3. If others had observed the same forbearance with the worthy alderman (Curtis), and had abstained from attending a meeting with which they had no connection, he had no hesitation in declaring that the result would have been very different from what it had turned out. The argument with many persons who attended the meeting seemed to be, 'we are connected with the West Indies; the West Indies are connected with America; so we are entitled to attend this meeting as persons interested in the trade to America.' The arguments of those who moved and seconded the amendment, however, he thought were somewhat curious, though probably they might not be peculiarly gratifying to the framers of these Orders in Council. They did not oppose the petition because they approved of these regulations, but because they were absurd and impracticable.

Mr. *Maryatt* said, he was at the meeting of this day; and as the hon. gent. who spoke last seemed to direct his eye so particularly towards him, he must explain why he thought he had as good a right to be present as the hon. member himself. He said, he had property both in America and Jamaica: he had commercial interests and family connections with America; but these should not induce him to forget his great and paramount duty to his country. He thought the meeting concerned all who had commercial interests or connections with America, direct or circuitous. Persons therefore had a right to attend who had even no trade there. He believed a number not only of such persons, but of American citizens, were present; and they were heard with attention in the delivery of their sentiments; and he believed also their opinions were quoted by others who spoke after them.

Sir. *C. Price* said, he held in his hand a petition of a directly opposite description, from the merchants of London trading to the continent of Europe, who desired to express their confidence, that the Orders carried vigorously into operation would be the most likely means of inducing the enemy to abandon the system of exclusion to British commerce, which created the necessity of those orders.—The hon. baronet, however, was reminded by the Speaker, that the petition he proposed to offer must be deferred till the other was disposed of.

Mr. *Sharp* should not have interfered in the discussion had it not been for what had fallen from the worthy aldermen. One of these hon. members declared, that his information was, that the majority was equal to three to one. The other, who was present, that it was two to one. This was a diminution in a moment of 50 per cent. The same hon. gent. however, had made a wonderful discovery in consequence of the result of that meeting; for although there, even according to his own account of the matter, the majority was only two to one, it enabled him to make this ingenious calculation; that 99 out of every 100 throughout the whole population of the country, not only approved of these Orders in Council, but of the whole conduct of ministers, and particularly of the attack on Copenhagen. This, however, only went to shew how great reliance was to be placed on the hon. gent.'s computation, as to the comparative numbers at the meeting in question. The hon. gent. who was the chairman of the meeting, had estimated them at four to three; and, for his part, he had no hesitation in thinking that he viewed them more accurately in stating them at six to five. Such, however, had been the monstrous calculations made by gentlemen who disapproved of the petition! A great many, too, of those who did attend, were not interested in the trade. Even the two principal supporters of the amendment had described the Orders in Council by a very harsh but characteristic expression, that they were extremely foolish, but they conceived the situation of the country to be such as rendered it inexpedient to interfere in the measures of government.

Mr. *Whitbread* was convinced the worthy alderman opposite (sir W. Curtis), after the description he had heard of the gentlemen who composed the meeting, would regret much that he had not attended it. His mercantile transactions were certainly equal to those of most gentlemen; and in point of zeal for ministers he yielded to no man. Another worthy alderman (Shaw), who did attend the meeting, had favoured the house with a discovery which he had made, that not only the majority of that meeting, but that 99 out of every 100 of the population of the country, approved of the Orders in Council; not of them merely, but also of the conduct of the present ministers in general; not of the general conduct of the present ministry alone, but of the attack on Copenhagen in particular. The worthy alderman was well known to have a particular regard for 'the present ministers,' and to think that 99 out of 100 of the population of the country must approve of whatever they do. So he thought of the late ministers when they were 'the present ministers;' so he had now declared he did of their successors. It was to be hoped for the salvation of the country, that other ministers would again succeed to those now in office; and he had no doubt, if the worthy alderman lived to see that day, and were a member of that house, he would still continue to be eager in their praise, and ready to lend his testimony to the public feeling, in favour of 'the present administration.'

Mr. *Hibbert* said he had great interest in Jamaica, which was much connected with America; but still he did not feel himself entitled on that account to attend the meeting.

The *Chancellor of the Exchequer* thought the house was obliged to the worthy baronet for the information he had given it, as the petition might else have been supposed to have come from a numerous meeting, instead of being, as it was, the petition of a few individuals, who, however respectable, were unquestionably the minority of the meeting.

Mr. *Gordon* had formerly dealings with America; and though he had none at the present moment, he still thought himself entitled to attend the meeting, which he accordingly had done. He was mistaken, if, besides merchants trading to America, there were not at the meeting of this day, a number of American citizens.

Sir *R. Peele* did not attend the meeting, because conceiving it to be called especially for the purpose of petitioning, and being of a contrary opinion, he esteemed himself excluded.

Mr. *Mellish* had transactions with America, and also lands there, of course he esteemed himself entitled to attend the meeting.

Mr. *Baring* said, that persons connected with the Spanish colonies could not be fit persons to attend such a meeting. The room was absolutely filled with persons not interested in the American trade, and some gentlemen even brought down their clerks to increase the number.

Sir *A. Piggott* thought, if thanks were due to the worthy baronet who started the present discussion, they were much more due to his hon. friend (Mr. A. Baring) who had furnished the house with so many important facts relating to the meeting; particularly, that it consisted, in a great measure, of persons not interested in the trade, and that the mover and seconder of the amendment, so far from thinking the Orders in Council to have displayed wisdom, treated them as foolish and impracticable. He put it to an hon. baronet (sir R. Peele) to say if there were not thousands of manufacturers at this moment without employment, or only with half employment?

Sir *R. Peele* said that this was not attributable to the Orders in Council, but to the measures or rather no-measures of the late ministers.

Sir *John Newport* said, what our manufacturers complained of was, that being distressed from other causes, their situation was made irremediable by these Orders of Council. He should, on a future occasiod, bring the state of Ireland, in consequence of these Orders in Council, before the house. It was impossible that America should be ignorant of the great quantity of flax-seed, the grand staple of Ireland, which she got from that country.

The petition was then ordered to lie on the table.—Mr. Alderman Combe moved, that the prayer of the petition for hearing counsel be granted. The Speaker stated, that by the forms of the house no two steps on the petition could be taken in one night. Mr. Combe then moved, that the petition be taken into further consideration to-morrow. Mr. Perceval wished it to be postponed, on account of the other important business which stood for that day. Mr. Combe said, he had discharged his duty, and he should not press it unnecessarily on the house.

General *Gascoyne* said, that he had a petition from the merchants of Liverpool to the same purport as that of the hon. alderman. It was against the Orders in Council. He would take care not to fall into the error of the hon. alderman, but move that it be taken into consideration, with a view to propose Monday as the day.

General *Tarleton* observed, that though he was as desirous of popularity as any man, yet he would not compromise his duty on that account. He thought himself bound to declare, that the majority of his constituents were averse to measures that served only to embarrass government.

Mr. *Sheridan* said, that the hon. general had fallen into a greater error than his hon. friend. The third reading of the bill stood for this day; and according to the proposed plan of proceeding, the measure might be out of the power of the house before the petition was presented. He asked, in what situation would the house be placed, in case the evidence should convince the house that the measure was a wrong one?

The *Chancellor of the Exchequer* spoke to order, and the Speaker concurred with him, that the question then was merely, whether counsel should be heard in support of the petition?

General *Gascoyne* observed, that his constituents who were in town had only got the petition that morning, and had had no time to instruct their counsel so fully as they wished to do. It was their desire that their petition should go hand in hand with that of the American merchants; and as the consideration of that petition had been postponed, he thought himself acting in conformity with the wishes of his constituents, when he proposed a future day. In allusion to what his colleague had said about popularity, he remarked, that when a number of respectable merchants of Liverpool put a petition into his hands, he thought it his duty to present it, and not only that, but to procure them a hearing as soon as possible. He then proposed Monday, but being told that both this and the two following days were pre-occupied, he chose Thursday as the day for hearing counsel.

General *Tarleton* again said that he was desirous of popularity. If it was a sin to covet honour, he was the most offending man alive.

Mr. *Sheridan*, though sorry to interrupt the colloquy of the two colleagues, insisted upon the awkward situation in which the house was placed by the proceeding, and observed, that counsel must have been instructed when the first petition came, and ought now to be ready.

Mr. *Creevey* said, that he had seen counsel waiting in the lobby not an hour ago: and upon this information general Gascoyne expressed his hope, though the counsel could not be so well prepared as the importance of the case required, that the house would allow him to expunge the word 'Thursday,' for the purpose of inserting 'now.'

Mr. *Whitbread* adverted to the course which had been taken with respect to these petitioners, and contended that they had a right to be heard in a manner that might be efficacious. They ought therefore to be heard now, unless ministers would agree to postpone the third reading of the bill. These merchants were the most competent in England to give information on this subject. The right hon. the Chancellor of the Exchequer might say that this delay was vexatious: to him it might be so; but it was the duty of those who thought the measure a bad one, to support every thing which tended to procure additional information on the subject; and, besides, it was of no importance that the bill should pass immediately. He concluded by moving, that counsel should be heard now, instead of Thursday.

Lord *Castlereagh* said, that the principle and the spirit of the rule of the house forbad any petition being received against a tax bill; and the bill for carrying into effect the Orders in Council was a tax bill, and ought not to be delayed for this petition. The petitioners might have two remedies. There was a clause in the bill permitting it to be altered or repealed in this session, and petitioners might have that remedy if they made out a case sufficiently strong to induce the house to think that eligible. The house might also apply to his majesty by address to forbear acting upon the bill. The bill might therefore proceed, and the petitioners be heard on the day most convenient for them.

Mr. *Ponsonby* could not but admire the advice given by the noble lord to the house, which was to proceed to pass a measure which might be proved to be a very foolish one, before hearing what was to be said against it, and then address the king to make it a mere nullity. This would not add much to the respectability of the character of the house.

Sir *A. Piggot* argued, that the petitioners ought to be heard before the passing of the bill, because they ought bonâ fide to to have such a hearing as would be efficacious. No inconvenience would result from the delay of the bill, as the trade was in the mean time carried on by licences.

Dr. *Laurence* adverted to the awkward situation in which the house would be placed by the mode of proceeding proposed by ministers. Though their object professedly was to starve the continent, yet they were in a hurry to give freedom to the trade to it. They had long slept over this measure without assembling parliament to carry it into effect, and yet now they grudged the delay of a few days.

Mr. *Morris* was anxious to promote any proceeding, which would afford an opportunity of being more fully informed on this measure, which seemed to be founded on French principles, and would be attended with the greatest mischief to all civilized nations.

Mr. *Windham* condemned the proposed mode of proceeding, on account of its palpable absurdity. It was exactly this: that the house should decide first, and hear the objections afterwards. It resembled a police bill, which provided that a party might be whipped, and then allowed him the right to appeal to the session. The noble lord said that the spirit of the bill precluded petitioning against it. But it had no spirit, it was all letter; two grains of wheat in two bushels of chaff; two grains of finance, in two bushels of trade. The trade was the spirit, the finance was only incidental; and yet the noble lord talked of petitioning being contrary to its spirit, and objected to the delay of a few days!

Mr. *Stephens* said, that there were two parties in this question. There were not only the petitioners but the public who were deeply interested in the bill. The petition appeared to him to be brought forward for no other purpose than to create delay. The hon. member very successfully replied to the last speaker.

Lord H. Petty, Mr. Adam, and Mr. Pole Carew, supported the amendment. The latter, however, professed himself a decided friend to the bill, but thought it due to the petitioners, now that they had put themselves in the proper form, to hear what they had to say.

The question being loudly called for, a division took place; Ayes 66: Noes 99: Majority against the Amendment 33.—The petition was then ordered to be taken into consideration on Thursday.

[Orders in Council Bill.] The question that the bill be read a third time, was then put, and an amendment moved, that it be read a third time on Monday se'nnight. Sir W. Scott rose, and began to speak on the merits of the measure; but was called to order by Mr. W. Smith, who said that this was only a question of time; and in this he was supported by the Speaker.—After some conversation, the house divided, upon deferring the third reading of the bill till Monday se'nnight.

Ayes - - - - - 59 - - - Noes - - - - 122

Majority - - - - - - - - - - - - ——63

The question being then put, that the bill be now read a third time,

Sir *William Scott* entered into a learned discussion upon the law of nations, which being in its nature conventional, was no longer binding than when the rules of this convention were adverted to by all parties concerned. When they were departed from by one party, the other was left to the guidance of natural justice; and by the laws of natural justice, retaliation was authorised as an essential part of self-defence. The right of retaliation the learned judge shewed to be limited only by the extent of the annoyance which called forth the exercise of it. If an enemy restricted himself to the ordinary mode of warfare, then it was incumbent upon the other belligerent to carry on hostility under the same restrictions; but if he resorted to unusual modes of warfare, then it was competent for his adversary to pursue him even to neutral ground. The right was unquestionable; the only question was, the prudence of exercising it. The learned judge then proceeded to apply the general doctrine that he had laid down, to the present situation of this country, in relation to France and the other powers of Europe. He shewed that the French decree was intended to cut us off from all communication with the other European states; that it had been acted upon; that the interpretation of M. Decrès was wholly unauthorized; that this exposition stood formally contradicted by a decree of the supreme court of prizes at Paris; and that if there were any exceptions made to its general operation, those exceptions would only prove, that the government of France now was, what it had been always, even in its best times, fluctuating and capricious. He further contended, that even if it was not acted upon, which rested with the other party to prove, it was nevertheless an injury, because it was an insult to the country; which, in the opinion of an eminent person now no more (Mr. Fox), merited more to be chastised than any other species of injury whatever. As to the measure of the Orders in Council, he asserted that it was merely following up the principle which had been adopted in the Order in Council of Jan. 1807, and founded upon the doctrine which had been so ably maintained in the note of lord Howick to Mr. Rist; and even though the authors of these official papers chose to disclaim them, still he would maintain the tenets which they set forth. Upon the morality of the measure, therefore, there was no doubt. The question of its policy was more complex, and of its effects it was impossible to speak with certainty. He should lament exceedingly, if it should have the effect of producing any irritation in the American government. But he hoped, that they would not only look to the act, but to the causes of the act, and that it would be viewed not as a measure of hostility against America, but against France. The present bill had his most decided support.

Dr. *Laurence* entered into an extensive view of what was the law of nations, as expressed by the best writers on that subject, and as it was to be deduced from the uniform practice, not only of this country, but also of France, Spain, Holland, Sweden, and other countries, from the earliest period. From these authorities he shewed, that the Orders of the 7th of Jan. were justified by the established usage and avowed concurrence of all civilised nations, on the principle that one belligerent had an undoubted right to prevent a neutral from lending herself to another belligerent for the purpose of carrying on her coasting trade. But, with respect to the Orders of the 11th of Nov. he maintained, that though they were professedly founded on a principle of retaliation, they were not actually so founded; as it was not what was expressed by ministers, an acquiescence in the orders of the enemy (if such had been the fact), but an adherence to the cause of the enemy, which was the legitimate ground of measures of retaliation.

Mr. *Stephens* asserted the necessity which called for the Orders in Council, a necessity, in his opinion, so imperious, that it would have justified measures even of a more extensive nature.

Mr. *Ponsonby* argued, that the Orders were absurd, and incapable of being carried into execution.

Sir *C. Price* stated, that he had brought a Petition down to the house, which an informality alone had prevented him from presenting. It was from a number of persons interested in the trade to America, and avowed their firm conviction, that the Orders in Council were a wise and salutary measure.

About three o'clock in the morning lord H. Petty proposed an adjournment of the debate, on the ground of the lateness of the hour, and the number of gentlemen who were anxious to deliver their sentiments. Mr. Windham supported the motion for adjournment.—On a division there appeared,

For the adjournment - - - - - - -	71
Against it - - - - - - - - - - - - -	145
Majority - - - - - - - - -	—74

While the Opposition members were in the lobby, Mr. Ponsonby addressed them, and observing that they had ineffectually proposed the postponement of the Mutiny bill from this day, for the purpose of allowing an opportunity for resuming the debate on the Orders in Council bill, requested that they would not quit the house, as the only justifiable resource left to them, was to force ministers to consent to an adjournment by repeated and incessant motions to that effect.—We were not re-admitted, but were informed, that Mr. Sheridan, after having reminded the house that on the Bill for the Suspension of the Habeas Corpus act, he had moved the question of adjournment 17 times in one night, moved that the house do now adjourn.—The house immediately divided

For the adjournment - - - - - - -	67
Against it - - - - - - - - - - - - -	140
Majority - - - - - - - - - -	—74

On a motion that the Orders in Council be read, Mr. Henry Martin called for a division, which was as follows:

For reading the Orders - - - - -	65
Against it - - - - - - - - - - - - -	140
Majority - - - - - - - - - - -	—75

After some further discussion, it was at length agreed that the debate should be adjourned until to morrow.—Adjourned at half past five on Friday morning.

HOUSE OF LORDS.

Friday, March 11.

[Debtor and Creditor Bill.] The Earl of *Moira*, on moving the second reading of this bill, urged the necessity of resorting to some measure for the amendment of the law of debtor and creditor, and for the prevention of that misery, and those numerous ill effects, which resulted from long continued imprisonment for debt. The noble earl explained the objects of his bill, as relating to arrest on mesne process, and imprisonment in execution, in both of which the intention was to shorten the duration of imprisonment; in the former, by compelling the plaintiff, where the writ was issued in one term and returnable in the next, to declare in the term of the return, and to proceed to trial in the succeeding term; and in the latter, by releasing the debtors at certain specified times, at the quarter sessions, on assigning over their property in possession and reversion, and also rendering their future property liable. The latter mode was the principle of the cessio bonorum introduced into the Roman law by Cæsar, and subsequently, after a long experience, adopted by Justinian. A similar law had long prevailed in Holland and in Denmark, where it had been found equally efficacious. His lordship stated a variety of instances, in which persons imprisoned for small debts had experienced a great aggravation of their imprisonment by the costs with which they were charged; and instanced many cases where prisoners were unable to raise the money necessary to obtain that relief to which they were entitled by law. Thus, out of 700 annually released by the Thatched-house society, there were, on the average, about 130 who were unable to pay the expences of suing for the allowance under the lords act; and about 50 who, though supersedable, were unable to raise the money necessary to sue for their supersedeas. He condemned generally the principle of placing a debtor at the mercy of a creditor, who might indefinitely imprison him; and trusted their lordships would agree to the proposed alteration in the law.

Lord *Ellenborough* condemned any attempt to innovate upon a long established law, without taking a clear and comprehensive view of the whole of the bearings of the question. This had not been done in the present bill, which had been drawn up (not, of course, by the noble earl) with a great ignorance of the law, and with provisions which could not be carried into effect without great injustice and injury. His lordship went through the different clauses of the bill, for the purpose of shewing that they were wholly inadequate to their proposed object. A plaintiff was at present obliged to declare within two terms; and as to arrest, it was, generally speaking, the best means of producing a payment or a composition of the debt, and did produce that effect in five cases out of six. The creditor was more frequently an object of compassion than the debtor, from the frauds practised on him. He was decidedly hostile to the bill, and thought it ought not to go to a committee.

Lord *Holland* combated the objection of innovation. To hold that every thing which fell from judge Hale must be correct, was rather paying too high a respect to the doctrines and opinion of that learned judge. If his lordship recollected well, judge Hale had been hostile to the repeal of the laws against witchcraft; and indeed, the doctrine of the noble and learned lord went to this, that no alteration whatever, in our law or practice, ought to take place; in fact, that their lordships and the other house ought not to meet for the purposes of legislation. He hoped as opinions of celebrated men were to be quoted, he might be allowed to notice the opinion of a justly celebrated man, and who in the latter years of his life, at least, could hardly be suspected of favouring innovations. That able and enlightened man was well known to have been peculiarly partial to the general principle of the measure now proposed by his noble friend. Another great man, Dr. Johnson, had also expressed himself decidedly on this subject, and declared that imprisonment for debt ought not to be suffered, unless for the purpose of compelling a surrender of the debtor's effects. As to the evils resulting from the present system, they were so numerous, and at the same time so apparent, that it was hardly necessary for him even to allude to them. One striking proof of the absurdity of the present law was to be found in the frequency of insolvent acts. If the legislature were not aware that there was something peculiarly offensive in continued imprisonment for debt, why should it pass these acts of insolvency? All suspensions of any established law were to be reprobated, and it was infinitely preferable that the law should be at once repealed, than that it should be repeatedly violated. Surely, it would not be said that these insolvent acts were passed merely as a matter of convenience, and that one set of persons were liberated solely for the purpose of making room for another. The number of persons at present confined for debt in the metropolis, was stated as being by no means comparatively great. He begged it to be remarked, however, that the Thatched House society was not a national institution; of course, any relief granted by them did not proceed from the benignity of our laws, which had thus provided a partial remedy for a great evil. It was calculated that this society liberated 700 persons annually, who, but for this institution, must have formed an addition to those at present confined for debt, and from the best computation his lordship could make, would increase that number to about 10,500. His lordship did not pretend to be, by any means, so well qualified as his noble and learned friend, to judge what would be the best mode of giving effect to the measure now proposed; he could not, however, abstain from expressing his surprise and concern that those noble and learned persons, whose peculiar province it was to endeavour to render the law of the land as unexceptionable as possible, should shew so great reluctance to bring forward a bill which might meet their own ideas on the subject.

Earl Moira replied generally to the arguments of lord Ellenborough, when the house divided on the question for the second reading: Contents 5: Non contents 9: Majority 4.—The bill was accordingly thrown out.

HOUSE OF COMMONS.

Friday, March 11.

[EAST INDIA COMPANY'S AFFAIRS.] Mr. *R. Dundas* rose, pursuant to notice, to move for the appointment of a Select Committee, to inquire into the present state of the Affairs of the East India Company. He stated, that the same causes which created the deficit which existed last year, still continued to operate, and that there was a deficit now to a very considerable amount. He wished, therefore, that a committee should be appointed to investigate the cause which had produced, and which tended to perpetuate this deficit, and to suggest the most proper remedy to apply to it. Advices had been expected from the noble lord who now presided over the affairs of India, which might be useful in guiding the inquiries of the committee, but none had been as yet received. He thought, however, that the documents to which the committee might have access would be sufficient to enable them to make a report on the subject. He concluded by moving, "That a committee be appointed to inquire into the present state of the Affairs of the East India Company."

Mr. *Creevey* rose, not for the purpose of opposing, but of supporting the motion; convinced as he was that it was only by a committee, that the situation of the East India Company could be properly investigated; and that the statements of the different budgets had been delusive from beginning to end. He asked, whether it was the intention of the right hon. gent. that the committee should confine their inquiries to the financial and commercial state of the company, or that they should extend their investigation to its territorial concerns?

Mr. *R. Dundas* replied, that it was his wish that the inquiries of the committee should be the most comprehensive, though he did not imagine that they would consider it necessary to investigate the whole system of Indian policy under the different governments for many years past.—The motion was agreed to, and a committee of 21 members appointed.

[ORDERS IN COUNCIL BILL.] The order of the day was read, for resuming the adjourned debate on the Orders in Council bill.

Mr. *A. Baring* spoke against the bill. He thought it was unjust as to neutrals, and inexpedient as a measure. The chief ground taken by ministers was stated in the preamble to the Orders in Council, to be, that the government of France had issued certain decrees. The question was, how far we were justified in making neutrals suffer for this. No retaliation could, in his opinion, be justified on the principle assumed by ministers, that neutrals must take the consequences of the retaliation which had become necessary on the part of this country. Mr. Armstrong, the American minister at Paris, had applied to the minister of marine in France, on the subject, and was informed by him that the Decrees were not to be acted upon with respect to America. No better authority could be applied to, and it was not necessary for him to enquire farther. We had, therefore, rashly cast away the American trade. He answered the arguments that had been urged on the subject of premiums on insurance; he thought that we ought to have waited another month to see how the Americans would act, and was of opinion, that if the doctrine of ministers was admitted, it would be impossible that neutrals could carry on any trade whatever.

Mr. *Rose* denied that any inflammatory language had been used on his side of the house with respect to America; and expressed a wish that the gentlemen opposite would beware of attempting to persuade America, that a disposition existed in the present government to provoke war with that country. No man deprecated such an event more than he did, and yet he denied that the benefits resulting from American neutrality were so great as they had been represented. It had been said, that the Americans were the chief instruments in conveying our manufactures to the continent. This, however, was not the fact, and there were many present who knew it as well as he did. The exports to America had been stated at ten millions. They were certainly upwards of nine millions, but of these not much above half were consumed there, and therefore, the Americans were our carriers to a considerable extent; but in case of a war with America, there were other channels by which the surplus above the consumption of America could be carried to the places where it was wanted.

The *Solicitor General* deprecated the taunts and aspersions thrown out against the good faith, honour, and morality, of the existing government of the country; aspersions at all times mischievous, but at the present awful crisis, alarmingly dangerous, as calculated to excite a distrust in the people, that might be attended with fatal consequences. The learned gent. then contended, that the question of municipal law had been given up by the other side, and that there was not an authority in any one book, from the earliest times of the history of this country, to justify the objection of the law of nations being violated in the Orders in Council. He proceeded at length to invalidate the objections to, and justify the arguments in favour of, the justice, policy, and legality of the Orders in Council.

Mr. *Grattan* was of opinion, that the name of the country, and the character of the country, were the only strength which it retained upon the continent; and that whatever was fatal to its character, must be fatal to its interests. Viewing the measure before the house as inconsistent with justice, and of course, injurious to the character of England, he felt himself bound to oppose it. He deprecated the idea of acting upon the principles of France, by pursuing the system which gave birth to this measure, and thus taking away the best of our friends, by involving us in war with America. No measure should be more studiously avoided by England, than that which threatened to deprive us of the affections of America or was likely to lead to a war with that country. For the effect of a war with America, would be to render the interests of France triumphant, and to engage our fleets in the service of the enemy. None of the arguments of the learned gent. who preceded him, served to shew that the empire would be benefited in its financial, commercial, manufacturing, or political interests, by these Orders in Council, while the evils they menaced were obvious. There were two capital faults in the speech of the learned gent. the one of law, the other of fact. He was erroneous in his definition of the law of nations, and his conception of the principles of the late ministers. For the law of nations could never sustain the notion, that because the decree of one belligerent might affect the interest of neutrals, the other belligerent was warranted in controuling the trade of neutrals altogether. And in order to understand the principles of the late ministers, gentlemen had only to look to the letter of lord Howick to Mr. Erskine, and to the memorial of lord Holland and lord Auckland to the American commissioners, from both of which it would be seen that the further proceedings which the late ministers proposed to take against neutrals, were only in case they acquiesced in the French decree. They did not call upon neutrals to resist that decree, as the learned gent. argued; and therefore the assertion was unfounded, that the present ministers acted upon the principles of their predecessors. According to these principles, America, not having acquiesced, should not have been proceeded against upon the grounds stated. Indeed, the faith of the British government was pledged to America in the dispatches he had referred to, that no such proceedings should be taken.—The right hon. gent. laughed at the idea of reducing the tone of the enemy, or pressing him to peace, by any privations the operation of this bill might produce upon the continent. We might refuse our jesuits' bark to the French soldiers; we might inflict pains and penalties by the acrimony of statutes upon those who were saved from the severity of war; but the calculation was contemptible, that by such an expedient, or by refusing tea and sugar, we could coerce the French or the Spaniards, or least of all Buonaparte. On the contrary, we should only enable that potentate to injure our reputation and inflame the prejudices of his subjects against us. Therefore this measure would not injure the enemy, while it would expose us to odium.—With regard to the commercial effects of the bill before the house, the question was, whether it would be politic in us to deprive France of her commerce? Such might be the policy of Buonaparte, but it could not be ours; for France deprived of commerce, would become more formidable to us; she would become a nation of soldiers. But if the commerce of the continent were done away, what was to become of the commerce of England? France and England would return to their natural relations, and if so, the advantage must be on the side of the enemy; therefore it was quite absurd for England to talk of destroying commerce.—But the effect of this measure upon Ireland was peculiarly alarming, and must be more so. Flax seed, so essential to her staple trade, was, in the proportion of four-fifths of her annual consumption, imported from America, as appeared from accounts on the table. It was said that the stoppage of the continental trade would give the Irish trade an advantage, by excluding the competition of the linens of Germany; but what was the fact? At the last Irish market the sale of linen was not beyond one-fifth of its usual quantity, while its price was depreciated at the rate of ten per cent. for home consumption, and twenty per cent. for the foreign market. Another, and a serious injury to Ireland, would result from the loss of its commerce with America, in consequence of the supply of staves; one of those articles which she annually used in her provision trade, and for other purposes, and imported from that country. Ireland, therefore, must be peculiarly affected by an American war; indeed, she suffered so much by the Orders in Council, that should they be persisted in, some separate provision ought to be made for that country.—An American war, however, appeared to the right hon. gent. to be much more dangerous on other grounds than any that could arise out of mere commercial considerations. He called upon the British parliament to consider the consequences of separating Great Britain and America, and thus dividing and weakening the only force that remained in the world, to sustain the character of liberty, to hold out hopes to the continent. The right hon. gent. concluded with exhorting gentlemen to reflect, that any loss to America or England, would but add to the accumulated gains of France, would but advance the strength of that power which was equally the enemy of both.

Mr. *Bankes* maintained, that, as far as any other nation was concerned, we were not guilty of any violation of the principle of justice by our adoption of the present measure. But, when he looked at it in a commercial view, as far as regarded our own manufactures, he confessed that he, for one, was deficient in information as to that point; it was not unlikely that some other gentlemen might be in a similar predicament.—After some further debate the house then divided for the third reading of the bill: Ayes, 168; Noes, 68; Majority 100.

HOUSE OF COMMONS.

Monday, March 14.

[KING'S MESSAGE RESPECTING SWEDEN.] The order of the day being read,

Lord *Hawkesbury* rose to move an address of thanks to his majesty for his most gracious message. After the proofs of unshaken firmness and fidelity which his Swedish majesty had displayed to his engagements with this country, there could scarcely be any other sentiment in the minds of noble lords, but that the conduct of this country towards Sweden should be marked by that justice, generosity, and good faith, which characterised the relations of this country with its allies, and which were so signally called for and deserved by the uniform steadiness and spirit exhibited by his Swedish majesty. The object of the subsidies and of the support which it was proposed now to afford to Sweden, was not the formation of any confederacy, but to enable his Swedish majesty to defend his dominions against the formidable confederate attacks with which he was threatened. He should repeat it, that it was to enable that gallant monarch to make a stand in the defence of his kingdom, and not with a view to entangle him in any alliance that should prevent him from making peace with the enemy if any opportunity occurred of his obtaining terms he might consider as equitable and honourable. His maj.'s government had never interfered to prevent his availing himself of such an occasion. The subsidy of 1,200,000l. which was to be furnished to Sweden, would not be paid in one sum, as had been that formerly to Prussia, but in monthly instalments, to be continued as long as it was probable its object could be accomplished. His lordship concluded with moving an address to his majesty, which was an echo of the message.

Lord *Grenville* was satisfied with the ground on which the noble secretary rested his motion; and so far he was not disposed to make any opposition to it. He heard with pleasure and approbation, that no attempt was made by ministers to prevent Sweden from making what peace it might be in her power to negotiate; and that the subsidy now offered her was promoted only by justice, generosity, and good faith. So far it was endeavoured to uphold the character of the country in the eyes of Europe. He was sorry, however, to see the treaty encumbered with the article that provided that the two countries should negotiate conjointly. There was no reciprocity between the interests and situation of the two powers; and where there was no reciprocity, it was idle to tie down either of them to a joint negotiation; besides, there was a sort of contradiction in saying that Sweden was left free to negotiate if an opportunity offered to enable her to make peace, and next, to require that she should not make peace except in conjunction with Great Britain.—The motion was then agreed to.

[DISMISSAL OF MR. JOHN GIFFARD.] Lord *Hardwicke*, pursuant to notice, called the attention of the house to a transaction, during the discussion upon which some observations had lately been made upon his conduct, which he was conscious were wholly unfounded. The transaction he alluded to, was the removal of a Mr. Giffard from a place which he held in the revenue office in Ireland. He was only anxious to offer a candid statement of the matter, as it really stood, and that statement, he trusted, would fully vindicate his character, as far as it was implicated in this matter. The noble earl then observed, that he would not insist on reading extracts from the letters of the noble secretary of state on this subject, as that, he understood, would be objected to; but he believed he was at liberty to read extracts from his own letters in answer to those of the noble secretary. The noble earl then read a variety of extracts from his correspondence in 1805, with the noble secretary (lord Hawkesbury), respecting the business of the catholic petition, and the measures which the Irish government was instructed to pursue, in order to prevent any irritation of the public mind upon that question. From these extracts it appeared, that the catholics held private meetings to concert the best mode of preparing and presenting their petition, the result of which they had never published. The whole of their meetings and proceedings were presided over by a noble lord (Fingal), to the candour, moderation, and temper of whose conduct, throughout the whole of this business, he should be ever happy to bear the testimony such conduct deserved. In order to give effect to the instructions of government, he had consulted with all the leading men in Dublin, and had their approbation of the measure he thought it prudent to adopt. The under-secretary of government had even been instructed to send a confidential person to Mr. Giffard, and to acquaint him with the wishes of his majesty's government respecting the catholic petition; more particularly specifying those wishes, by informing him, that no discussion should be agitated in Dublin on the question, until it had previously come before, and been decided on by parliament. Mr. G. had early and repeated admonitions on this point, but no consideration, he said, should deter him from giving "a licking to the papists." He accordingly made the most violent and offensive speeches in the common council of Dublin against the catholics, which were felt to be exceedingly injurious by the catholics, and which, in his opinion, were wholly irreconcileable with the wishes and instructions of government. In order to prove the sincerity of the wishes of the noble secretary, and in compliance with what he conceived to be his own duty, he removed Mr. G. from the situation he held under government, not however without repeated admonitions to desist from every inflammatory proceeding. It was true, that some time after, in May, the noble secretary expressed some regret at that measure, as it seemed to have given offence to some protestant Irish gentlemen then in England. Whether the opinions of those gentlemen were right or wrong he should not now enquire; but he imagined that the situation he then held, afforded as fair an opportunity of judging of the situation of Ireland, as any of those gentlemen could possibly have had. He had interpreted the instructions of government in the best manner his judgment enabled him to do; and he had not acted, as had been insinuated, with any harsh precipitation towards Mr. G. In order to prove these assertions, he should now move, "That there be laid before the house, extracts of the correspondence which took place between the noble secretary of state and himself, respecting the manner in which it was thought proper to act in Ireland with respect to the measure of the catholic petition."

Lord *Hawkesbury* acknowledged, that nothing could be more candid than the statement of his noble friend, but still he felt himself not bound to produce the correspondence moved for, because some of it was of a private nature, and because, if produced, it could answer no purpose. It was true, the conduct of his noble friend in displacing Mr. Giffard was looked upon as rather harsh by some of the protestant gentlemen in Ireland, and in this country: and indeed, when it was recollected what Mr. Giffard had suffered during the rebellion, and on other occasions, with respect to persons naturally most dear to him, these sufferings would carry with them some excuse for his intemperate behaviour.

Lord *Grenville* highly approved of the conduct of the noble earl, on that occasion, and thought that the statement he had just made, abundantly justified that conduct.—After a short explanation from lord Hawkesbury, lord Hardwicke withdrew his motion.

[ORDERS IN COUNCIL BILL.] On the motion for the first reading of this bill,

Lord *Grenville* signified that he had an objection in form to any further proceeding in this measure. It was in direct contradiction to the standing order of the house, of 1702; and if their lordships allowed that order to be infringed, there would be an end of their best privileges, and of their deliberative capacity. This the noble baron proceeded to shew from a variety of cases, and from the nature and necessity of the standing order to which he had referred.

Lord *Hawkesbury* confessed that the objection was an important one, and that sufficient time should be allowed to take it into consideration. He thought, however, the bill should first be printed.

Lord *Grenville* would not object to the printing of the bill, but was of opinion that the debate which had arisen on his objection to the form of the bill should be adjourned to Wednesday.—This suggestion was acquiesced in.

HOUSE OF COMMONS.

Monday, March 14.

[MUTINY BILL.] The Secretary at War moved the order of the day for the third reading of the Mutiny bill.

Sir *Francis Burdett*, pursuant to the notice given for him a few days since by a noble friend of his (lord Folkestone), had to offer a clause, to prevent officers from being dismissed from the army by any other means than the sentence of a court martial. He thought such a provision of essential importance to the army, to the interests of the crown, and those of the country. The form of the proposition he had to make was so moderate, that he did not conceive any objection could be made to it. He was not aware of any opposition being intended, except from some loose ideas that had been thrown out, of its trenching on the prerogative. He did not think it did. But even if it were true that it did, he should not think that would be a reasonable objection with the house, if he could shew that the power, so far as he meant to correct it, had been exercised in a manner detrimental to the honour of the crown, and the interests of the army and of the country. The army itself was constitutionally looked upon as a great infringement made by the crown on the prerogative of the people. He did not say it was an unnecessary infringement. But as the army was constitutionally an invasion of the liberties of the people, the principle of limiting in some respects the arbitrary power of the crown, with respect to the army, could not be looked upon as trenching on the prerogative of the crown, which held the army only by the indulgence of parliament. He contended that no prerogative of the crown, ought to infringe on the liberties of the people. The clause he should propose had nothing in view but to secure that justice and fair dealing which should always mark the proceedings of the crown towards the people. He proposed to restrain only that which no king, if well advised, would ever do. It was due to the officers of the army, to afford them that legal protection for their fortunes and lives, and what was of still more importance to them, their characters, which persons of other classes enjoyed. They were wholly at the mercy of those malicious whispers, by which the ears of persons high in authority were ever liable to be abused. Officers of the army should certainly be no worse situated in this respect than the rest of his majesty's subjects. No man ought to be condemned or punished without a hearing. Such was the principle of British justice. The honour, of which military men were so tenacious, was exposed to ruin often without the possibility of guarding against it. The discipline of the army also suffered materially by the practice he wished to correct. For when those who, when brought to trial, would be found decidedly deserving of punishment, were blended in the operation of one undistinguishing stroke of power with those who, if tried, had the means of procuring themselves an honourable acquittal, virtue and good conduct, in a great measure, lost their stimulus, and bad conduct was sheltered from a great part of that shame, which was the most effectual check upon its vicious progress. As the object he had in view was to prevent future abuse rather than to censure the past, he forbore to cast any reflection, or to cite any of those cases which it would be competent to adduce. He might be told there were cases in which persons were dismissed, whom it would be hard to expose by a court martial, though it would have been highly improper to continue them in the service. Persons of this kind might be permitted to resign, and thus there would always be a sufficient security against abuses of every kind. It was the principle of the British constitution to separate every thing odious from the crown, and to adorn it with the heavenly attributes of mercy and power of relief. It was an inconsistency with this principle that he wished to remove, by giving to the officers of the army the same measure of justice enjoyed by the rest of the community. It was by the army that the crown was supported and the people protected, and why should the army be in a worse situation than any other part of the people in the essential point of justice? The army had now grown to such an extent, with a disposition still further to augment it, that even in point of mere numerical consideration, it was a large portion of the people. And in the present critical and dangerous situation of the country, when our safety depended so much on the zeal and energy of the officers of the army, ought they to be left in circumstances in which they might be whispered out of their rank and situation, into poverty, disgrace and ruin, and a thousand calamities worse than any law could inflict, by the arts of a dark malignant assassin, who would not dare to meet them in the open light of genuine British justice? Courts martial afforded ample means to punish every description of offence; and when it was considered that these courts were not, like juries, bound to be unanimous in their sentence, and how many descriptions of offences could be included under the very extensive and sweeping charge of ungentlemanlike conduct so often censured and punished by them, he was sure no latitude of impunity could be apprehended, by giving every accused person the opportunity of stating his case before such a tribunal. The hon. bart. concluded with moving a clause accordingly.

The *Secretary at War* complimented the hon. baronet on the moderation which he had displayed; but objected to the clause, because he had laid no ground for it. He urged the bad consequences of changes in the military system without the strongest reasons for it; and the necessity that the army should be dependent on the crown. It was so necessary, that even if it were not the case at present, he should have proposed it now for the first time. He would wish, if it were possible, that the military should have the advantage of the common law; but it was inconsistent with the constitution and discipline of the army. The history of the world proved the necessity of strict discipline in an army, and for this it must look to a head. The instances in which the power alluded to had been exercised were of late extremely rare; but the best effects resulted from the existence of the power. Every part of the prerogative pushed to extremes would produce abuses—such as in the making of peace or war. But this was no reason for diminishing that prerogative. An army independent of the sovereign was contrary to common sense. Such an encroachment on the prerogative would subvert the constitution. He allowed that in former times officers had been deprived of their regiments for voting against ministers. But there were no instances of this abuse in modern times. He therefore gave his decided negative to the proposition.

Lord *Folkestone* adverted to the extraordinary mannner in which the hon. secretary had answered the arguments of the honourable baronet on his side. He had complimented him first for not stating past abuses, and then objected to the clause, because no grounds had been laid for it. The honourable secretary very well knew that there were instances of the most cruel oppression that might be stated. But the honourable baronet below only looked to the future, and had laid irresistible grounds for his proposition. He had stated his object to be to protect the officers and the crown itself from doing what was known to have been done, and from the secret whispers of slander and malice. His lordship, however, expressed his hope, that the hon. baronet would withdraw his clause, and bring the subject forward in a separate bill, for so grave and important a matter required the most serious deliberation and the fullest discussion. The hon. baronet he allowed could not, however, be liable to the charge of precipitation from the other side. The noble lord opposite had brought forward his clause in a manner equally sudden; and as the hon. secretary had expressed so strongly his aversion to changes, he, no doubt, would give his vote against the change proposed by the noble lord near him. He earnestly requested the hon. baronet to withdraw his clause for the present, as he should regret extremely to be obliged to give it his negative.

Colonel *Duckett* said, there was no time, no country, no army, in which the power here complained of did not exist. To abridge the power of the crown in this point would not add to the liberties of the people, but to the independence of that army which was so much the object of constitutional jealousy.

General *Fitzpatrick* thought that all innovations on the constitution of the army ought to be attempted with the most cautious deliberation, and never without strong facts to warrant and call for them. The hon. baronet had adduced no such facts, and he himself knew of none. He should therefore give the clause his decided negative, if the hon. baronet should bring it up. The constitution of the army was as much an object of nice attention as the constitution of the state. The trial by jury was preferable to the trial by court martial in point of justice; yet nobody thought of introducing it into the army. He hoped, if the honourable baronet withdrew the clause to bring it forward in the shape of a bill, he would at least make out a case.

Sir *F. Burdett* found in the speech of the hon. general, arguments to induce him to persevere in bringing forward his clause, rather than to withdraw it. He had maturely weighed the clause before he introduced it. If he did not cite cases of abuse, it was not because they did not exist, but because he was unwilling to hurt any one's feelings unless forced to it. He was surprised and astonished to hear the hon. general declare himself ignorant of such instances.—He declared his intention to withdraw his motion.

Mr. *Calcraft* rose to move an amendment, the object of which was to reduce the Mutiny bill to the state in which it was last year, and to take from his majesty's ministers the power of enlisting men for a term longer than that which the bill had hitherto prescribed. He replied to the arguments that had been used against limited service. In the East Indies the example of the company was a sufficient inducement for its adoption. In the West Indies, a regulation of that sort was absolutely necessary to enforce the regular relief of regiments. The character of the soldier was improved by the introduction of limited service; the greatest part of the army who conquered in Egypt, were composed of men who enlisted from the militia for a term of years. The success of his right hon. friend's system was rendered undeniable. He reprobated the mode in which it was attempted to subvert that system. Adverting to the 16,000 men that had enlisted from the militia into the regular service, he contended that each man cost the counties, upon the average, 25*l.* which, added to the 10*l.* of bounty to induce them to enter into the regular army, made an expence of 35*l.* per man, or all together a sum of 640,000*l.* and this not equally raised, but ultimately falling on the landed property of the country. He concluded by moving, to omit the words in that clause of the bill by which the option of entering for limited or unlimited service was allowed to the recruit.

The *Secretary at War* restated the opinion which he expressed on a former night, that the plan of the right hon. gent. had met with no success whatever, and that the former system from the second battalions was infinitely superior to it; producing every advantage of his system, while it was totally free from the inconveniences of that system.

Mr. *Windham* entered into an examination of the nature of that system, which, he contended, it was the plan of the present administration secretly, covertly, and clandestinely, to undermine. The measure which they proposed was impotent as to good, but powerful as to mischief. With a determined, unrelenting, remorseless animosity, they endeavoured to destroy the existence of that which lived to their shame. The question was, whether parliament would give to the country that delusive strength which spirituous liquors imparted to the human frame; or whether they would allow it to retain the natural vigour of an unexcited body? The subject was of great importance. His majesty's ministers had no right to call for a decision upon it under such circumstances. Was it fair to the house, was it decent to the public, to require the present parliament to reverse the measure already established, by admitting a proposition which had been twice negatived in two former parliaments, and thus making the legislature eat its own words? To introduce this innovating attempt into a bill which from the nature of it could not be stopped in its progress, was a step prompted by a spirit similar to that which directed the attack against Copenhagen. That his majesty's ministers really wished to destroy his measure, he doubted not, although they denied any such intention. He dwelt on the evils which must result from the noble lord's proposition, and particularly on the heart-burnings which must be occasioned among men who were enlisted for different terms of service; and remarked the change which had taken place in the sentiments of his majesty's ministers; who formerly had called out for a present accession of force, reckless of futurity, but who now, disregarding the present, directed all their solicitude to the future: for he contended that not a single additional man would be gained to the regular army by the new regulation.

Lord Castlereagh spoke at length against the motion. Lord G. Cavendish and sir Ralph Milbanke spoke shortly in favour of Mr. Windham's measure, amidst frequent calls for the question. The house then divided, when there appeared: For the clause proposed by lord Castlereagh 189; For the clause proposed by Mr. Calcraft 116. Majority 73.

List of the Minority.

Abercromby, hon. J.
Adam, Wm.
Agar, E. F.
Althorpe, viscount
Anson, G.
Antonie, W. L.
Babington, Thos.
Bankes, Henry
Bathurst, C. B.
Bewicke, C.
Biddulph, R. M.
Blackburne, John J.
Bowyer, sir G.
Bradshaw, A. C.
Buller, J. of Exeter
Burdett, sir F.
Calvert, N.
Campbell, lord J.
Campbell, John
Cavendish, Lord G.
Cavendish, G. H. C.
Colborne, N. W. R.
Combe, H. C.
Craig, James
Creevey, Thomas
Cuthbert, J. R.
Dundas, Hon. C. L.
Dundas, Hon. R. L.
Ebrington, viscount
Eden, Hon. N. S. E.
Elliot, Rt. Hon. W.
Ferguson, R. C.
Fitzgerald, M.
Fitzgerald, lord H.
Fitzpatrick, R.
Folkestone, lord
Frankland, W.
Gell, P.
Grattan, H.
Greenhill, R.
Grenfell, P.
Griffenhooffe, B.
Herbert, H. A.
Hibbert, G.
Hippesley, sir J. C.
Hobhouse, B.
Howard, Henry
Howard, hon. W.
Hume, W. H.
Howorth, H.
Jackson, John
Kensington, lord
Knapp, George
Knox, Hon. T.
Lambe, Hon. Wm.
Lambton, R. J.
Leach, John
Leman, C.
Lemon, J.
Lemon, sir W.
Lloyd, sir G.
Lloyd, J. M.
Lushington, S.
Lyttleton, W. H.
Macdonald, James
Madocks, W. A.
Martin, H.
Mawle, Hon. W. R.
Milbanke, sir R.
Miller, sir T.
Milner, sir W.
Morpeth, visc.
Mosely, sir O.
Neville, R.
Newport, sir John
North, Dudley
O'Callaghan, J.
Ord, William
Parnell, Henry
Petty, lord H.
Piggott, sir A.
Ponsonby, G.
Porchester, lord
Power, B. R.
Prettie, F. A.
Pym, F.
Quin, W. H.
Ridley, sir M. W.
Russell, lord W.
St. Aubyn, sir J.
Scudamore, P.
Shelly, H.
Sheridan, R. B.
Shipley, W.
Smith, George
Smith, S.
Smith, Wm.
Stanley, lord
Taylor, W.
Temple, earl
Templetown, visc.
Thompson, T.
Thornton, H.
Tierney, G.
Vansittart, N.
Vernon, G. G. V.
Walpole, G.
Ward, J. W.
Wardell, G. L.
Wharton, J.
Whitbread, S.
Wilberforce, W.
Wilder, colonel
Williams, sir R.
Windham, Wm.
Wynn, C. W. W.
Wynn, sir W. W.

Tellers.

Calcraft, J.
Warrender, sir G.

HOUSE OF LORDS.

Tuesday, March 15.

[Offices in Reversion Bill.] On the order of the day being read, for the third reading of this bill,

Lord *Redesdale* renewed his former objections to it. His lordship in the course of his speech entered into a defence of himself against a charge made against him on a former evening, of political bigotry, and argued, that political bigotry was rather to be found amongst those who called themselves Friends of the People.

The Duke of *Norfolk* defended the bill, which he thought rather tended to support than to attack the king's prerogative.

Earl *Grey* combated the arguments of lord Redesdale, and observed, that political bigotry consisted in a blind adherence to old notions, and bringing them forward in opposition to reform rendered necessary by an alteration of circumstances. From the arguments advanced by the noble and learned lord, he must, on the same principle he now urged, have opposed the abolition of the star chamber, as an innovation most dangerous to the constitution. The noble earl vindicated himself and his friends from the attack made upon the Friends of the People by the noble and learned lord, and observed, that he had always been and still remained the advocate of moderate and temperate reform; which he considered the best means of maintaining the constitution, and of averting the danger which might ultimately arise from long continued abuses.

Lord *Hawkesbury* said, that the proposed amendments having been rejected by the committee, he must give the bill his decided negative.

The house then divided on the question, that the bill be read a third time:

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Proxies - 22—48 Proxies - - 59—128
Majority against the bill - - - - - 80

[Protest.] "Dissentient, 1st, Because the bill does not in our opinion invade any of the legal prerogatives of the crown, or diminish any of its constitutional influence, but tends rather to secure both, by removing the temptation to negligence or abuse in the disposal of offices. 2d, Because it appears to us to be necessary in this and every other instance, to secure to the subjects of this country, suffering under the pressure of an unprecedented accumulation of taxes, the means of economical retrenchment, and reform of such offices, as can either be reduced in their emolument or entirely abolished, without injury to the dignity and powers of the crown, or to the interests of the public. 3d, Because with respect to places granted in reversion, all means of retrenchment and reform are taken away so long as the lives for which they are granted shall continue. 4th, Because reform and retrenchment in the public expenditure have been recommended to us from the throne, and because we are apprehensive, that the rejection of the present bill may be considered by the people of the United Kingdom, as indicating a disposition in this house, not to give effect to that wise and salutary recommendation. (Signed) Essex, Jersey, Vassall Holland, King, Cowper, Ponsonby of Imokilly, Lauderdale, Grey, Albemarle, Ponsonby, Stafford, Carrington."—"Dissentient for the 1st, 2d, and 4th reasons: Spencer, Clifton (Earl of Darnley)."

HOUSE OF COMMONS.

Tuesday, March 15.

[Irish Expresses.] Mr. *Parnell* moved, that there be laid before the house an Account of the sums expended for the establishment of government Expresses between the ports of Holyhead and Dublin, from the 1st of Jan. 1801, to the 1st of Jan. 1803. The hon. gent. said it was too general for expresses to pass between the two countries, for no other purpose than to give a favourite government newspaper a priority of intelligence over their less dependant competitors. The paper he particularly alluded to was an evening paper, which had been very active in its disapprobation of the late changes in his majesty's ministers. But the same paper was now the warmest advocate in support of the measures of the men it had not long since opposed.

Sir *A. Wellesley*, though he did not object to the motion, could not think the object of so much importance as it appeared to the hon. gent. It appeared to him to have no other object than to ascertain what newspapers in Ireland had or had not prior intelligence of the London news, and to prevent papers from having thirty or forty hours prior intelligence. The paper alluded to had some ground of preference, as it was the only daily evening paper in Dublin, and had an extensive circulation.

Mr. *Parnell* contended, that the unjustifiable partiality of government, in procuring for that paper prior intelligence by extraordinary expresses, was what had increased the circulation of that paper, and injured that of others, to such a serious degree, that one paper had already suffered a loss in circulation of no less than 5000 copies weekly.

Sir *A. Wellesley* said, that the expresses cost government 20l. a day, whether they went or not, and that therefore the dispatching them could not be productive of any additional expence.—The motion was then agreed to.

Conduct of Marquis Wellesley—Resumed Debate on the Oude Charge.] The house resumed the adjourned debate on the conduct of the Marquis Wellesley relative to the Affairs of Oude (see p. 993). The first Resolutions being read,

Sir *Thomas Turton* spoke as follows:—Mr. Speaker; considering this question as intimately connected in its policy with that which it will be my duty shortly to submit to the house, (the Carnatic Question)—viewing it as one great link of the same chain of Eastern policy, (if policy it can be called) that distinguished the administration of lord Wellesley, I cannot content myself with giving a silent vote on the motions of the noble lord. Before, however, I enter upon the question itself, I must submit to the house a few observations on the very extraordinary objections to the motion, which were advanced by an hon. gent. on the floor, (Mr. Bankes) who concluded the debate at its adjournment. The objection of the hon. gent. to our proceedings, was founded on the incompetency of this tribunal to take cognizance of the subject. I think the hon. gent. stated, 'that its functions were of a legislative, not of a judicial nature.' Without entering into a minute investigation of the powers and constitution of parliament, the history of which would fully demonstrate the extent of its judicial, as well as legislative functions, for the purpose of instituting criminal proceedings—I would ask that hon. gent. if, on reflection, he can entertain a doubt of the right, and even of the expediency of parliament, to receive this application to its justice. Even, I think, in the experience of the hon. gent. many, very many instances must have occurred, of this house entertaining, nay encouraging, applications of a similar nature. Let me ask the hon. gent. where, or to whom in this particular instance, could the appeal against British injustice and oppression be made?—Not to our courts of law and equity; there it has been already determined, that an independent sovereign (yes a 'dependent nabob', as he is called) can neither institute or defend a suit. To the sovereign, in council, can he appeal?—The constitution of our Indian government permits not this. Where then can he apply, with a possibility of success, but to a British parliament, and to parliament only? Do we not invite this appeal against the misconduct of our Eastern governors and servants, by the act of placing on the table of the house, at the commencement of every sessions, the names of those members we think most fit to form a judicature for the trial of these offences? But I think the hon. gent. founds his objection to the proceeding of the noble lord, because he (lord Folkestone) does not mean to follow it up with an impeachment against the noble marquis; but, whilst I am not surprised at the reluctance of the noble lord, on this head, after what we have seen of impeachments, yet is it not competent to any other member of this house, to propose such a measure? Or cannot the house address his majesty to direct his attorney general to file an information against the accused person, in conformity with the spirit and letter of the East Indian Judicature act? If these motions are carried, is there a serious doubt, on the mind of any member in this house, that whatever the precise nature of its judicial functions are, this house can, not only entertain the question in its present state, but pursue all those measure, which the character of a great nation demands, in order to bring to condign punishment all those who, at whatever distance of the globe, in the administration of its government, violate its principles of justice and good faith? But, sir, I am almost ashamed to argue this point—no one can seriously doubt it; and, to dwell on it longer, would be a waste of the time and attention of the house.—In proceeding to the merits of the question, I cannot but lament that it has been treated, not so much as the revisal of a great political measure, involving a system of government, as the case of a distinguished individual. I cannot treat it in that light, for respected as the character of the noble marquis, and his individual interest in the transaction ought to be, it is still only that of an individual, and as such, least in importance. For, what is the real state of this question in a great political view? The government of India (over which it is true the noble marquis presided at the time) has violated a solemn treaty executed between lord Teignmouth, the then governor general, and the nabob of Oude, in Feb. 1798, and to which the faith of the British government was pledged which existed at the time, and to the performance of which, we were at the very moment binding the nabob. The particulars of the violation were—1st, The reduction of the army of the nabob, against his will, an interference expressly guarded against in the 17th article of the treaty; and secondly, the taking from him by violence, one half of his territories, and reserving to ourselves the complete controul over the remainder, by a paper, which we chose to denominate the treaty of 1801. The pretences assigned for this conduct, particularly by a right hon. baronet, whose connections with, and obligations to, the noble marquis, have induced him to stand forwards as the champion of the government of India, on this occasion, are three-fold; first, the right; secondly, the expediency and even necessity of the exercise of it; and thirdly, instructions of the government at home.—First, sir, as to the right of the government of India, to commit these acts of tyranny. From whence is it derived? The right hon. bart. has not condescended to tell us. Is it derived from the treaty of 1798? That in the article to which I have referred, expressly guarantees the right of the nabob to a full authority over his household affairs, his troops, and his subjects. As long as this treaty existed, therefore, government could have no right to disband a soldier, or to interfere even with the lowest of his subjects; but says an hon. gent. (Mr. Whitshed Keene) the right is 'that of the sword, obtained by conquest, by that alone can your government in India be supported.' What occasion then for treaties, if the will of the conqueror is to be the only law? Willing am I to acknowledge, that when Sujah-ul-Dowlah, after the subjugation of his ally, Meer Caassim Ally, the nabob of Bengal, fell into the hands of the British, at the battle of Calpi, in 1765, it was the undoubted right of the India company, to have disposed of the territories of Oude, in the manner they deemed most advantageous to their interests. Indeed it appears they did so, for after having granted the emperor of Delhi, (for whose cause, and at whose mandate the nabob of Oude first entered on the war with the British government) they actually, by a firmaun or agreement with the emperor, made over to him the greater part of the dominions of Sujah-ul-Dowlah, which they had so conquered, and reserved a part to themselves. This was the right of conquest; a dreadful, but legitimate right. The sovereign was a prisoner in your camp —his dominions at your feet; but what was the conduct of lord Clive when he heard of this agreement? He refused to ratify it; he considered that in every view of policy an extension of territory was to be deprecated; he released the captive monarch; he restored him to his dominions; he executed with him a treaty offensive and defensive, by which the two states agreed mutually to assist each other, in case of attack, with part or the whole of their respective forces, as might be necessary. If, therefore, you had the right of subjugation by conquest, did you not abandon that right, when you concluded this treaty with Sujah-ul-Dowlah? And is there a single word in all the treaties since executed with the sovereigns of Oude, in which this right of conquest is referred to in the most distant manner? But, says the hon. gent. to whom I last alluded, 'the nabob of Oude was never considered as more than the ward of the company, who were his guardians.' Well then, if the company were his guardians, the disposition of their ward and his property ought, in some degree, to have been subject to their disposal. Their agent ought not to have acted without their authority. He ought not to have constituted himself the guardian, and in violation of every principle, the characteristic of that sacred name, to have first robbed him of half his property, and obtained himself to be appointed receiver and comptroller of the other half; but an honourable and gallant colonel (Allen) whose attachment to the noble marquis, and defence of his conduct is as natural as praiseworthy, says 'The nabob was not an independent prince, he could not expect to be treated as such.' I have read something of this in two long publications gratuitously conveyed to me, on the eve of this motion; and I have thought it my duty to wade through them. Does the noble marquis rest his defence on either of them? Is it '*tali auxilio, defensoribus istis*,' that his cause rests?—To satisfy any man of the wildness and extravagance of the doctrines contained in them, I need only state, that in one of them, the author, after deducing from Vattel, Puffendorff, Montesquieu, and even Locke, the right to treat the nabob as our slave, represents him, as filling 'an office perfectly analogous to that of lord lieutenant of Ireland;' and by another author we are told 'that Oude was a dependent fief, the company paramount lord, and the nabob its vassal,' and I think the result of his argument is, that not having taken from our vassal the whole of his dominion, we have treated him with 'signal indulgence.' I should be ashamed to answer arguments (if so they can be called) like these; but, I would ask the hon. officer, who terms the nabob a dependent prince, as having no rights of sovereignty, except what were derived from the company, and to whom they reverted at their will and pleasure, how he could reconcile to one principle of common justice, much less of British generosity and magnanimity, the cruel and oppressive treatment of a dependent prince, subject to your power and will? But, sir, if this unhappy prince had no independent power, if he possessed no power, no dominions or subjects, but those of the company, existing only in a combined and amalgamated state with theirs, what occasion for this treaty of 1798, explanatory of the respective rights of the company, and of the prince? If these doctrines have any foundation but in usurpation and tyranny, how came these words in the preamble of the treaty of 1798: "Whereas various treaties have been concluded at different times between the late nabob Sujah-ul-Dowlah Behader, and the nabob Asoph-ul-Dowlah Behader, and the hon. the East India company, to the mutual advantage of their respective dominions, the nabob, &c. &c. and sir John Shore, bart. on the part of the hon. the East India company, with the view to perpetuate the amity between the two states, &c." Are not these words conclusive of the opinion of the government of India at the time, that they were two distinct independent states, or dominions? Is such a preamble consistent with the idea of a paramount lord and vassal? Is not this a recognition of sovereign rights? Besides, let it be recollected, if the nabob received his investiture from us, or from the mogul, from whom did we receive our dominion of Bengal, Bahar, and Orissa? I should wish to see any treaty produced, where the language is more consistent with independent and mutual rights. But the right hon. bart. says, our right on this occasion was founded on usage also; and he instances the interference of lord Cornwallis and lord Teignmouth, with the internal government of the nabob. Does the right hon. bart. seriously mean to contend, that the acts of those noble lords, and this we are now revising, have any the smallest resemblance?—True, lord Cornwallis, at a moment when the subsidy had been for a considerable time in arrear, apprehensive of the failure of it, and considering the failure imputable to the mismanagement of the then nabob Asoph-ul-Dowlah, urged him less in the strong language of remonstrance, than the affectionate warmth of friendship, to remedy the errors and defects of his government; he even, from a similar motive, interfered with his remonstrance and advice, as to the members of the nabob's government. But let gentlemen recollect, that not even threats were resorted to; strong remonstrance and repeated advice were the only weapons of force he used, or pretended the right to use; every other he specifically and repeatedly disclaimed, as inconsistent with the relative state of the governments, and their respective independence. But can any thing be a more conclusive proof of the continued opinion of this noble lord, of the injustice, and even the impolicy of interference with the government of India, contrary to subsisting treaties, than the very last act of the life of this respected nobleman; who, when at the close of a long life, actively and usefully employed in the cause of his country, he was sent over to India to repair, as far as possible, all the errors of former administrations, and to retrieve the character of the country, would permit no consideration of interest or advantage to the company's affairs, to be pleaded against the faith and honour of Britain. In answer to a letter written by colonel Close, the resident at Poonah, describing the sad condition of the Peishwah's government, and the more than inclination, the almost request of the Peishwah for the interference of the British in the internal regulation of his dominions, and the compliance with which request colonel Close considers as the only means of rendering the treaty of Bassein any other than a burthen on the company; lord Cornwallis, after acknowledging the force of the resident's arguments and conclusions, writes thus:—'It is one of the fundamental principles of the treaty of Bassein and constitutes one of its express provisions, that the British government is not to interfere in the internal administration of his highness's dominions;" and his lordship then directs the resident to decline all the offers of interference, and actual propositions of substitution of the British government for that of the Peishwa, which had been made to the resident. In the same manner, sir, we find, when col. Kirkpatrick, the resident at Hydrabad (who had been lord Wellesley's secretary, and of course inclined to further his views and projects of interference and reform), in no less than six several dispatches to the Bengal government, had pressed the necessity of establishing a body of Sillahdar cavalry, under the government of Hydrabad, to be permanently maintained in a state of efficiency, but which he (the resident) acknowledges the Nizam to be uniformly averse to, lord Cornwallis embraces the first opportunity of explicitly disavowing the conduct of the resident, and instructs him wholly to abandon not only the proposition as to the cavalry, but the whole system of compulsion, or even interference in the civil or military government of the Nizam. The whole letter is replete with censure on the system established by the marquis Wellesley's government, both as to its justice and policy. I shall not fatigue the house by reading the whole of it; yet there are two passages so immediately applicable, that I cannot refrain from quoting them.—"The prosecution of such a system of compulsion appears to the governor-general to be inconsistent with the principles of the alliance, and injurious to the interests and reputation of the British government, by exciting a general apprehension, that it is our object to establish the entire ascendancy and controul of the British power in India." And again, in the same letter, he adds, "The governor-general observes, with great regret, the degree of interference exercised by the British government through the channel of its representative in the internal administration of the government of Hydrabad. It appears to his lordship to have entirely changed the nature of the relations originally established between the British government and the state of Hydrabad. His lordship is aware, that this undesirable degree of interference and ascendancy in the councils of the state of Hydrabad, is to be ascribed to the gradual decay of the energies of government, and to the defect of efficient instruments of authority. But the evils, which appear to his lordship to be the natural result of such a system of interference and paramount ascendancy in the government of Hydrabad, greatly exceed those, which the maintenance of that system is calculated to prevent; a system rendered more dangerous at the present moment, by the probable effects of a belief, which, however unjust, appears to be too generally entertained, of a systematic design on the part of the British government to establish its controul and authority over every state in India."—So much for lord Cornwallis's opinion of our right to interfere at all, much less to the extent which would justify by example, our conduct to the nabob of Oude. What too has been the opinion of lord Teignmouth, as to this extent of right: look through all his letters whilst he was governor general; is there one instance in which he hints at the right of using force, to render interference valid? Does he not uniformly limit the interference to remonstrance and advice? But read his evidence delivered at your bar, and in the hands of every member of this house; is there one tittle of it which justifies the use of force to accomplish even the purposes of reform? On the contrary, is there not an express and reiterated disclaimer of it?—Did he not, in fact, remove Mr. Cherry from his situation as resident, because he had used improper language (that of intimidation) to the nabob. I cannot imagine what has induced the right hon. baronet to rest the defence of his patron on conduct so dissimilar. Even were he correct in this statement, how could the conduct of lord Cornwallis, and lord Teignmouth, before the year 1798, when the treaty of Lucknow was concluded, justify lord Wellesley's conduct since? It is the violation of that treaty he is charged with—of that treaty which stipulated for the non-interference of the British government "in his dominions or with his troops and subjects." All arguments therefore founded on the conduct of our government previously to it, fall to the ground. By that article, if you ever had the right, you had expressly covenanted to give it up. On the right therefore I will not waste another word.—But for argument sake, suppose the right, where was the necessity of its exercise at the moment? It has been said that the troops of the nabob were mutinous, disaffected, and inefficient, and that this justified their reform. Neither the right hon. baronet, nor any other gentleman, have favoured us with one tittle of proof of the disaffection, except that when Zemaun Shah threatened to invade Oude, the nabob was apprehensive of his person, and requested some British troops at Lucknow. But is the real cause assigned of this request? are we told (as in fairness we ought) that the nabob had at the instant been raised to the musnud, as the lineal successor, and Vizier Ali displaced (whose partizans were then very numerous, in the country between Benares and Oude); that scarcely warm in his seat, he was apprehensive of the advantage which might be taken of Zemaun Shah's approach, and of the flight of Vizier Ali into Gorruckpore with 6000 men, after the murder of Mr.

Cherry at Benares by the enemies of the company and himself, to excite mutiny amongst his troops? But was there any thing like mutiny or disaffection amongst his troops at the time of your projected reform? Was there any vizier Ali to create mutiny; or any approach of Zemaun Shah to encourage it? That different regiments mutinied at times when long arrears were due to them, could not be brought as a reason; it is well known that scarcely any power in Hindoostan is exempt from such instances. Their troops are always greatly in arrear (I wish ours may not often be so), and when the abuse becomes intolerable, it remedies itself. The troops mutiny, march to the seat of government, get paid, and return again to obedience. But then they are wholly inefficient, it is said:—not wholly so, whilst all are most fit for the enforcing and collection of revenue (as will be seen hereafter). The evidence on your table proves that some, particularly the troops of Almas Ali Khan, the great Aumil of the Doab, are efficient in our opinion; but are they not all as much so as Mussulmen troops are in general throughout the world? It is not the question whether they are as efficient as European troops; but whether we had the right to disband them at our will and pleasure? But it has been urged that the peculiar situation in which we were placed at the time, rendered it absolutely necessary that a considerable reform should take place in the vizier's troops; that our north-western frontier was endangered by the threatened return of Zemaun Shah, and by the influence of France in the western part of India. It has been added even that the French were in Egypt when lord Wellesley landed in India. Such an excuse for this act of oppression and tyranny (for I will presently shew that even then it would have been merely pretence) might have been advanced; but when the victory of Aboukir, and the subsequent successes of the British arms in Egypt, (long before the conclusion of this scheme of rapine) had annihilated the French power in the east—when the conquest of Tippoo Saib had destroyed French influence in India, how can such an argument be advanced for the measure? Zemaun Shah too was destroyed; and although his brother, Mahmood Shah, was pledged to pursue the same career, and to attack British India, yet was he likely to be more formidable than his brother? Was the situation of India more dangerous, after the destruction of Tippoo and the conquest of Egypt, than before? and what were the preparations made to resist Zemaun Shah in 1798? Why, 15,000 men (exclusive of those left to protect the nabob) under the command of sir James Craig. The treaty of Lucknow compelled you to have 13,000 men; surely 7000 more, the extent of sir James Craig's wishes, might have been sent from the British provinces, to defend its north western frontiers; for was the invasion of Zemaun Shah directed solely against the nabob of Oude? was it not equally, and especially directed against the British power in India? and were we to contribute nothing to our defence, and the nabob every thing? Was this just or reasonable; but even if 20,000 men were necessary for the defence of Oude only, was it not possible to have raised and disciplined 7000 men out of the armies of the nabob, which amounted to between 30 and 40,000. Was not this the kind of reform we should have first attempted? We might have made at least the experiment, and seen what British influence and discipline might have effected. It will not be pretended that you would have found any effectual resistance in the nabob to this measure of disbanding part of his army, and disciplining the remainder. On the contrary, we find him actually assisting in such a project, for half the battalions were purposely left unfilled. Conscious of the inutility of so large and unorganized a force, he would gladly have reduced a great part and organized the remainder. At first this was all you asked; you desired only a reform of his army by the reduction of part of his useless battalions; you said not a word of marching in your troops to replace them. Having repeatedly stated his army to be worse than useless, to be dangerous, and embarrassing to your own, all that you could wish was the removal, as far as was possible, of this danger and embarrassment. Any reduction was a gain; it diminished your fears, and concentrated your own force; it required therefore no additional number of troops. This was your alleged view of it at first; for sir Alured Clarke in his letter to the vizier of the 21st of June, 1799, writes thus: 'The defence of your excellency's dominions against foreign attack, as well as their internal tranquillity, can only be effected by a reform of your excellency's military establishments. There can be no doubt that the measure might be effected with a degree of advantage to your excellency's finances, little inferior to that which it promises to your military establishments.' So lord Wellesley on the 26th of September, three months afterwards, writes thus: 'I cannot conclude without expressing my anxious hope that your excellency will not suffer any consideration to delay for a moment the necessary alterations in your military establishment; on the early completion of the improvement of your army, the safety and prosperity of your dominions essentially depend, and the present is the most favourable season for the accomplishment of this great and salutary work.' Is it not plain from these letters, that what was originally meant and proposed, was a military reform? Nor did the nabob view it in any other light: for on the 20th Oct. 1799, he writes to lord Wellesley thus, 'your lordship desires that I will not delay for a moment the necessary alterations in my military establishment. The fact is, that the benefits both immediate and future of such reform are even more strongly impressed upon my mind than they are described by your lordship: and accordingly a year ago, from a sense of those benefits and of the evils arising from the failure of my resources, and the increase of my expences, I, of my own accord, planned in my own mind a reform in the system, and was the first to propose it. Your lordship's reply that pressing avocations obliged you to postpone the question, rendered it a case of necessity.' So that after all the assertions of the nabob's unwillingness to listen to the measure of reform, it actually appears that he was the first to propose it, and that the delay was alone to be imputed to lord Wellesley; indeed, I will defy the right hon. baronet to produce any one instance, in which any refusal, or even disinclination, on the part of the nabob existed to reform his civil or military government; he was always anxious to procure from the resident such a plan—nay, he himself had led to it by divers reforms and retrenchments; this you have had from major Ouseley, at the bar of this house, who, after describing him as a 'sensible, acute, and well read man,' as 'an excellent scholar,' and 'a great ornament of society;' and a man of considerable talents for business, tells you, 'that he corrected a great many abuses in all parts of his establishment; so that we find it was not a mere profession, but a fixed and steady determination in the nabob, to introduce every practicable reform into his dominions.—But did the noble marquis wish for a reform? did he propose any thing resembling it? will it be pretended that the proposition to disband his whole army, and to pay for any additional and unlimited number of troops you might chuse to introduce, was a proposition of reform of his army? and did you make any other? No, you never intended to do so: it was no part of your real plan, it was a pitiful and contemptible pretence. Your object from the first was, what you effected at last, the dismemberment of the nabob's territories, and the subjugation to your power of what you suffered him to retain. Can any man doubt this, who has attentively read the papers before you? is there one man in the house that seriously doubts this intention? If he does, let him read the first letter written by lord Wellesley to Mr. Lumsden, the resident at Lucknow, after his arival in 1798, and before he had been six months in India. After complimenting the talents, integrity, and diligence of Mr. Lumsden, (whom however, he thought necessary afterwards to supersede) he writes thus: 'there are two or three leading considerations in the state of Oude, to which I wish to direct your particular notice, intending at an early period to enter fully into the arrangement in which they must terminate. Whenever the death of Almas shall happen, an opportunity will offer of securing the benefits of lord Teignmouth's treaty, by provisions which seem necessary for the purpose of realising the subsidy under all contingencies. The company ought to succeed to the power of Almas.' Here we find an open undisguised avowal of an intention to violate at a given time the treaty of Luchnow, to reduce it's stipulations to mere waste paper, by a seizure of its most valuable and fertile provinces, to secure against all contingencies the payment of a subsidy, for which there was an express stipulation and provision in the treaty itself. No, sir, reform was only a paltry and despicable pretext; your plan was settled, and your means were adequate. You marched in a large body of troops, not to reform the nabob's military establishment, but to make your power irresistible, and his resources exhausted.—You demanded the disbanding his army; you knew the consequences would at the least be the diminution of his revenues; you compelled him to pay their arrears; he did so; you then required payment of the troops you had marched in. After some ineffectual remonstrances, he complied with your requisitions; but this would not satisfy you; he had found the means of frustrating your iniquitous project; till his coffers were exhausted, you had not the means of executing your plans; ingenuity, therefore, must be stretched to find other pretexts of extortion. A long dormant claim, one that was never in the contemplation of lord Teignmouth, for the expences incurred by the company at the period of Zemaun Shah's approach, was then advanced; to this was added a demand of a lack, and 40,000 rupees for the repairs of the fort of Allahabad. Nor was this all; we had sent two embassies to Persia to counteract the views of Zemaun Shah in Hindostan; half of the expence was demanded of the nabob: emptied as his coffers had been by our previous extortions, we were in hopes these demands would wholly exhaust them; or, at least, that they would draw forth from the nabob some acknowledgment of inability to pay them, which might found the pretence of seizing his dominions. And on his remonstrating against the injustice and extent of these demands, and the time and manner in which they were brought forward, and expressed his anxiety, lest such vast and reiterated demands made at the same moment, "should occasion a failure in payment," and by that means "his responsibility should be impeached:" the governor-general eagerly seizes on "this possible inability to discharge his engagements with the company," (as he is pleased to term it) as the foundation of a demand, the most unjust and tyrannical, but which was always the ultimate object of the government. The resident is directed to propose to the nabob, either 1st. The complete transfer of his whole authority, civil and military, to the company; or, 2dly. Territorial cessions in perpetual sovereignty, equivalent to subsidy and the charges of the augmented force, and this under the seventh article of the treaty of Luchnow, an article which could relate to nothing more than the subsidy settled by that treaty, which was 76 lacks of rupees, not to the augmented demand of upwards of 54 lacks more. For a long time the nabob firmly resisted both these iniquitous propositions; and it was not till he was informed that his further resistance would be ineffectual, that he chose the least degrading of them.—Sir, the noble lord (Folkestone) has detailed the particulars of this transaction; the insulting language, and the mean artifices by which it was effected. He has stated justly the enormity of the security taken of 62 lacks for every 40 of subsidy, on the principle of the treaty with the rajah of Tanjore; he has pointed out to you the unworthy conduct of the resident, the humiliation of the nabob; I shall not repeat the disgusting detail, so injurious to the reputation and honour of G. Britain. But I may just be permitted to ask on what principle of fairness we can accuse the nabob of artifice and duplicity: we who, during the whole transaction, in our instructions to our resident, made use of every little subterfuge, every pitiful pretext to cover our intentions; who, when we failed in persuading the nabob to surrender his dominions wholly to the Company, instead of abdicating in favour of his son according to his own proposal, instructed our resident to avow the indifference of the Company to an act we had most at heart, and directed him to remove every idea from the mind of the nabob, that we anxiously wished him to abdicate; we, who when we marched our augmented force into Oude, stated the situation of Rohilcund, and the success of Gholaum Khader, as the pretexts for their march, acknowledging at the time that they were but pretexts.—With what face then can we accuse the nabob of duplicity?—I shall always think, sir, that if the policy of our government in India was to strengthen our north western frontier by the possession of the Doab, and by the dismemberment of Oude, and the extension of our territory in India (a policy I much doubt) it would have been more manly, more becoming the character and honour of the British government, to have openly avowed our determination, rather than by these little unworthy pretexts and artifices, so insulting to common sense and honesty, endeavouring to justify an act, which though in itself atrocious and tyrannical, was, in its execution, attended with circumstances still more disgraceful to the British name and character, than the act itself. But, sir, it is said, with confidence, by the right hon. baronet, that the noble lord only followed the instructions he received from his employers, and that the commutation of territory for subsidy had been recommended by them. When the right hon. baronet stated the instructions lord Wellesley had received, and held in his hand a large folio volume of papers and instructions, I thought he would have favoured us with one letter or paper of instructions from the secret committee, or the court of directors, justifying lord Wellesley in his conduct to the nabob of Oude, and which might have escaped my observation: and although I should not have thought the violation of a solemn treaty, even under the sanction of such authority, deserving the approval of this house; yet, certainly, the noble marquis could not have been accused in such case of any thing more than submitting to be the instrument of the Company's injustice. How then, sir, must the house have been astonished to find, that not one letter, not one scrap of paper, not one expression in any letter, which can be tortured into an instruction to the marquis Wellesley, even to commute the subsidy for territory, with the consent of the nabob, much less against it, has been produced or read; and after this is broadly stated as one ground of defence of the conduct of the governor-general, we find it amounts to no more than this, that in former times the government of India was instructed to attempt to persuade the nabobs of Arcot to commute subsidy for territory, and that lord Wellesley himself actually carried out instructions so to do. Now let us shortly examine this alledged approbation by the Company, of the principle of this commutation. Sir, those who have read the Carnatic papers now on the table of this house, will have found that lord Macartney in 1781, whilst we were at war, (I think with Hyder Ali) procured for the purposes of defence and security, the nabob of Arcot to consent to make an assignment of a stipulated portion of territory, in lieu of the subsidy then paid by him to the Company; but he expressly states, that this was done by consent, and adds how highly improper it would have been to have used any thing like force to obtain it. On the representation of this circumstance to the supreme government at Bengal, Mr. Hastings and his council approved of the exchange; but on further reflection, and on lord Macartney's avowal of his intention to make the exchange more than temporary, a discussion very unpleasant took place between the two governments, and ultimately, Mr. Hastings directed the re-assignment of the territory to the nabob. The court of directors, after stating their reasons, confirmed the order of the government of Bengal, and lord Macartney retired in consequence from their service in disgust. Next comes the conduct of lord Cornwallis, and this is mainly relied on! He, it is said, actually made a treaty, by which the nabob agreed, in a certain case, to commute subsidy for territory. He certainly did so: but in what manner, and under what circumstances? By the treaty of 1787, the subsidy to be paid by the nabob of Arcot, was increased 200,000*l.*; it was always in arrear. Lord Cornwallis, sensible that it was beyond the ability of the nabob to pay with punctuality, reduced it, and the nabob in consideration of this reduction, stipulated that if the payment of the instalments should be in arrear, certain districts in the treaty mentioned, should be possessed by the company, till the arrears were paid; in fact he mortgaged his territory to secure the payment of the demand. Now, sir, let me ask the house, if in either of these cases, there is the least justification to be found of the conduct of lord Wellesley, in Oude. In one case a temporary commutation was made, and afterwards restored by the orders of the supreme government and the court of directors; in the other merely a provision for such commutation in a given event; in both by consent of the nabob. How can the ingenuity of the right hon. baronet find the slightest resemblance in the cases? But where are the instructions? I had almost forgot the government of lord Hobart, which was adduced as illustrative of the principle of commutation.—Sir, my recollection does not furnish me with one single letter of instruction to lord Hobart from the government at home, or the supreme government at Bengal, to use force, or any thing like it, to obtain this commutation; although it does furnish me with repeated instances of urgent requests on his part to use it for the purpose. The government uniformly resisted it, and insisted that no means but persuasion should be resorted to; indeed, to the best of my recollection, this very urgency, on the part of lord Hobart, was the occasion of his losing the supreme government, which was intended for him.—It is remarkable, that in the only instance where lord Wellesley seems to have attended to the instructions of his employers, or considered them more than waste paper, is on this very subject, where he is ordered by them to go to Madras, previously to taking upon himself the government of Bengal, with a view of persuading the nabob to consent to this arrangement of territorial cession, in lieu of subsidy. But what were his instructions?—Why, to use no other means than persuasion to induce the nabob to consent to the proposed arrangement; and these being his instructions, he was obliged to leave the object unaccomplished. Now, sir, after having taken all this pains to travel from Bengal to Madras, to find a justification of the noble lord's conduct, by analogy to instructions given to the late government—how have we succeeded? Not one instance of instruction to any governor general in India, to obtain an exchange of territory for subsidy, by force, is to be found—directly the reverse. I defy the right hon. baronet to adduce even one solitary instance. I am content to rest the whole of this case on such proof. But, sir, I will not waste another word in attempting to refute the mass of fallacious and plausible statements, which the ingenuity of the hon. baronet has produced, and which have been stated with a solemnity that would make one fancy there was something of truth in them. Let any man read the papers, and he cannot for an instant doubt on how weak a foundation rests the defence of this disgraceful transaction.—Yet the injustice of the transaction may find some excuse in its policy, and in the advantages resulting from it. Well, let us examine it in this view. What have been our gains? Have we more security now than before! Have we bettered our finances? Is our government in India more secure? Have we even improved the condition of the natives? If these objects, or any of them have been gained, we have something to put to the credit side of the account. In what way is our security increased? Is our north-western frontier defended by a greater body of forces?—No. Have we a larger army of British troops in Oude than before?—No. On the contrary, although the pretended object of our first attack on the nabob's independence was the necessity of a much larger effective military establishment in Oude, we have since the treaty had permanently a less force than before. The average number has been from 10,000 to 12,500 men from the year 1802 to the last accounts in 1806, and the greater part of these scattered up and down the ceded provinces, in the brilliant employ of the collectors of the revenue, to the great annoyance of the natives and the ruin of the discipline of the army, as has been stated to you by sir James Craig, in his evidence at your bar. I cannot help asking here—What can be a stronger proof of the falsehood of our reason for marching in our troops than this statement, which is strictly correct? But are our finances improved by this measure? Ask the India Company. It has been acknowledged that the flourishing statement of the probable future revenue of the ceded provinces, by Mr. H. Wellesley, has never been realised. You have been told by an hon. director, (Mr. Robert Thornton) the immense increase of debt, during the administration of lord Wellesley: and much am I deceived, if the committee you have just appointed to inquire into the state of the company's affairs, will not soon furnish you with a statement much less encouraging than the one you have heard. How, indeed, can it be otherwise? Can this system of eternal war, of extended territory, be carried on, without a proportionate expence, and consequently of increase of debt? Firmly am I convinced, that all your debts and embarrassments are owing to the wretched and disgraceful system of extortion and plunder you have pursued. But will it be said, that our government is more secure. How will the friends of lord Wellesley prove this? Is it by the temporary subjugation of the princes of India? Is that the security on which we must rely, should the present ruler of France carry into execution his projected attack? Is there one of these princes on whom you could, in such case rely! Your treatment has made them your bitter enemies in heart—though they are now your humble slaves. The appearance of an European army would rekindle the flame of resentment, which, if suppressed, can never be extinguished. A government by force, as has been recommended by an hon. gent. (Mr. Whitshed Keene) cannot be durable. It is physically impossible, that 30,000 Europeans should be the absolute masters of sixty or seventy millions of the inhabitants of India, subdued by violence or treachery? For, let gentlemen look at the map of Hindostan, and they will see the extent of the mischief in which this wretched system has involved us. From the extremity of the Malabar to the Coromandel coast, all is British influence and oppression. How have you treated the nabob of Surat? He had a divided authority with the company; you have taken it from him, and made him a pensioner on the bounty of the company—a mere cypher of authority, subject to your will and pleasure! How have you treated the unhappy chiefs of the southern Polygars? You have razed their forts; hung them up at the doors of their own palaces, and transported to New South Wales their relatives and adherents! What have you done with the Rajah of Tanjore? You have made what you call a treaty with him; by which you have taken all his dominions from him, and pensioned him off! What has been your conduct to the Nizam? When you parcelled out Tippoo's dominions, you in your bounty, gave him a part; you have taken them from him by a similar agreement, which you call a treaty, under the pretence of a commutation for subsidy!—and if lord Cornwallis had not returned to India, you were on the eve of introducing the same reform into his military establishments, as you did in Oude; so indeed you would have done with the Peishwa, but for the interference of that respected nobleman. How have we conducted ourselves to the nabob of Arcot? We have made a treaty with him too!—Ah! sir, such a treaty, attended with such circumstances, as it will be my painful duty to state to the house hereafter; suffice it now to say, he retains not a vestige of power. With this cursory view of our situation in India, is there any man bold enough to view it without apprehension? But, sir, though last, not least, in the contemplation of every benevolent and feeling mind, has the condition of the natives been improved? Has any system of police been introduced; any plan even proposed for the amelioration of the condition of the lower orders (those for whom, as the right hon. bart. states, British laws were peculiarly calculated)? Has the industrious ryot been protected in the enjoyment of the fruits of his industry, against the extortion of the zemindar?—No, sir; we hear of reform, but the people have experienced none; their condition in the space of four years, and upwards, has been not one whit mended; and this we have from the authority of Mr. Strachey, who was a judge in one of the ceded provinces. He tells you, that up to the year 1805, this detestable police (as the right hon. bart. represents it) remained in the same state; not one step had been taken by the British government to improve the police in the ceded provinces. This gentleman was judge at Midnapore, the very spot to which the Mahrattas marched, in their way to Bengal, in 1780; and we have evidence from him of the state of his province. He says, that continued disturbances arose, in consequence of the substitution of our military for the forces of the country, in the collection of the revenues; and he was actually obliged, in order to preserve the peace of the country, to dismiss the military, and restore the police to the zemindar; and by that means the people were satisfied, and the province tranquil.—What too does Mr. Riley, the judge of Etawa, say? Does he furnish you with the glowing portrait of the peace and happiness of British rule in India, so feelingly contrasted by the right hon. bart. with the anarchy and misery of the native governments? Where is the magic wand, which was, at the instant, to convert licentiousness into subordination, and, in the name of British justice, to substitute civilization and good order, for barbarism and revolt? From him we learn, that a general and perpetual dissatisfaction existed during the whole of that period he resided as judge in the province; that there were nothing but insurrections and revolts; that the zemindars and nobles were in a constant state of revolt; that when a French officer (M. Suffrien) entered the province, with a handful of troops, they actually joined him. Indeed, sir, it is impossible to believe, that the hearts of the people can be with you; torn, by your power, from their natural sovereign, to whom, in eastern countries, attachment is part of their nature; subjected to the exactions, insults, and punishments of men whose justice they have heard of, but never experienced; whose religion they abhor, and whose laws are dissonant from their habits and customs; dragooned, as it were, into submission, by a scattered, and consequently a licentious military—what spark of affection can be excited in their breasts towards you? What feeling can animate them, but stifled, yet unsubdued revenge?—a deep-rooted resentment, which, under your present system, no time will allay, and which wants only a fit opportunity to overwhelm you in its effects. Depend on it, India is the theatre on which Britain is vulnerable; neglect not the necessary precautions till it be too late; retrace those sanguinary and despotic steps which you have lately trod; substitute conciliation for terror—the influence of European civilization for British fraud and violence; make the native princes your friends, not your slaves; restore to them the unjust spoils of which you have plundered them; let British faith and justice be henceforth as unsullied in Hindostan, as, I trust, in every other part of the world it has been. If we claim the character of a great nation, let us deserve it. Forget not, 'that justice is the foundation of the prosperity of states, and that the prayers of the oppressed often call down the vengeance of the Almighty on their oppressors.'—This was the pathetic appeal to the justice of a former nabob, by that respected nobleman, marquis Cornwallis; he lived, alas! to see it too applicable to ourselves.—And now sir, the amendment of which notice has been given by the right hon. bart. on the last motion, brings me to the personal question as it immediately affects the noble marquis; I have before said I consider this the least important view of the subject, because the destruction of the system, not the punishment of the man, is and ought to be our object. The right hon. gent. seems to think otherwise, and if lord Wellesley can be saved harmless, 'the suffering millions' of India (as in contempt he is pleased to term them) may remain pillaged, oppressed and subjugated. Let us then consider if in truth and justice, the noble marquis can be saved harmless. Sir, I am well aware how much the brilliancy of exploits dazzles and confounds the judgment, how much the recollection of splendid victories achieved in a good cause, shuts our eyes to future misconduct in a bad one. It is a natural and irresistible feeling. The achievements of the noble marquis in the Carnatic war against Tippoo, and the complete destruction of French interest in India, the consequence of that event, entitled him to the highest commendations of his country. It is impossible to speak in terms appropriate of the peculiar merit which attended that exploit, not only in its success, but in the vigorous and energetic measures of lord Wellesley, which preceded, and ensured it. His conduct on that occasion reminds me of the splendid and useful qualities attributed by Cicero to Pompey, when he wished to prevail on the Roman senate to appoint him to a command in its nature something similar. 'Labor in negotiis, fortitudo in periculis, industriá in agendo, celeritas in conficiendo, consilium in providendo.' All these attributes the noble marquis may justly lay claim to, in the war against the Indian Mithridates, and if he had immediately after this conquest of Mysore left India, he would have merited the unqualified approbation of his countrymen. But, sir, after reading the papers on your table, of his subsequent conduct, is there any impartial man who will venture to say that his laurels remain unfaded, untarnished by his subsequent conduct? Highly as I respect the talents of the noble marquis, I cannot permit the brilliancy of those talents to shut my eyes against the acts of tyranny and injustice we are now examining? I impute to him no corrupt motives; but is that unbounded ambition, which permits no obstacles to the attainment of the most unjust ends, no crime? Is such an ambition less fatal to the interests and character of a great nation than personal avarice? Insatiable as they both are, the effects of ambition are more pernicious, because more extensive and durable. With a considerable bias on my mind in favour of lord Wellesley, I feel compelled to pronounce a verdict of guilty, and that against him alone; for plainly manifest is it, that in the whole of these momentous proceedings, whilst his disregard and contempt of the company's authority has been avowed and justified by the right hon. baronet, he has not even condescended to communicate to his council his intentions towards Oude. Sir Alured Clarke, second in council, informs you that though he left India only in Feb. 1801, he knew nothing of the intentions of lord Wellesley respecting Oude, though they had been methodized, and arranged as we find long before; even Mr. Cowper, possessing the confidence and friendship of lord Wellesley, was not entrusted with the secret. In fact this was his sole act, originating in himself, executed by himself—no one has shared the merit, if merit it has; no one else is intitled to censure, if censure it deserves.—I had nearly forgot the justification of the noble marquis from the subsequent approval by the court of directors. How does the right hon. baronet construe an approval of the treaty into that of lord Wellesley's conduct? An honorable director (Mr. Grant) has told you, that the naked treaty alone came to them, without one explanation of the manner in which it had been obtained, or the circumstances which preceded it. I wonder not they should approve a treaty which (if they gave credit to the brilliant statement of the future revenues of the ceded provinces by Mr. H. Wellesley) promised so great a relief to their enbarrassed finances; but when they did know all the circumstances attending it, did they then approve lord Wellesley's conduct? No, sir, on the contrary, they stood forward, as manfully and honourably as they do now, to express their reprobation and abhorrence of it. On what then rests this part of the justification? It is as specious, but as fallacious as the rest.—I fear, sir, I have nearly exhausted the patience of the house; indeed I am nearly exhausted myself; but I was anxious fully to state the reasons of my vote on a question, which I consider most important to the interests and character of Great Britain, which has employed an attentive consideration of some weeks, and to which I have brought only an anxious desire for truth. In the vote which I shall most readily give in support of the motion of the noble lord, I will frankly own, I am making no small sacrifice of my political feelings, to my sence of public duty. I have my political attachments and friendships as well as others; and when I feel compelled to forego them even for the moment, it is with sincere regret. I am happy, however, in thinking that this is no party question. The present ministers, with one exception, have not the remotest personal interest in the transaction; yet if they had, if they themselves were implicated in the question, it would make no difference in me, except in increasing my regrets: for there is, there can be but one plain line of duty for a member of the British parliament to pursue, namely, to consider the honour and character of the country, (and of consequence its interests) as paramount to every personal feeling and every private wish.—One word, sir, before I sit down, on the subject of reparation to the party injured. I wish this point had come under the consideration of the noble lord, and a motion had been directed to this object. Reparation to the injured is a proof of the sincerity of our repentance of the act. I think the committee now sitting, and to which I have alluded, is the proper tribunal to which reference in this case might be made; but I dictate not to the noble lord. Sir, I shall detain you and the house no longer; I am thankful for its indulgence, and of which I am conscious I have taken an unreasonable advantage.

Mr. *Henry Wellesley* said, that it was with the greatest reluctance that he ventured to obtrude himself upon the time of the house, upon a question of such importance, as that now under its consideration; but, having been principally concerned in the execution of those measures, upon which the noble lord's resolutions were grounded, and having been personally alluded to by an hon. gent. (Mr. Lushington) who spoke last but one previous to the adjournment of this debate, he trusted that he should be excused if he troubled the house with a very few words. During the several discussions which had taken place upon this subject, previous to the last session of parliament, he had not the honour of being a member of the house, and he therefore had no opportunity of expressing his sentiments, even upon those parts of them which related personally to him. It was for that reason, as well as from what fell from the hon. gent. opposite to him, (Mr. Lushington) before this debate was adjourned, that he was anxious to avail himself of this occasion to state that, although, during his employment in Oude, he acted for the most part under instructions from the supreme government, yet that nothing could be further from his disposition than to shrink from any responsibility which might be supposed to attach to him for the share he had had in these transactions. The hon. gent. (Mr. Lushington) expressed his surprize that one of his first acts, immediately after the territorial cession, should have been the establishment, in the ceded provinces, of a monopoly of salt, and he asked him where he had learnt that branch of political economy? Now, the hon. gent. was mistaken as to the period when that monopoly was introduced into the ceded provinces, for it was not introduced till nearly a year and a half subsequent to the cession, when the territorial settlement had taken place, and when the company's civil and judicial system had been completely extended over those provinces; and, if the hon. gent. would take the trouble to enquire, he would find that a monopoly of salt forms one of the company's principal sources of revenue in the province of Bengal. He could not see, therefore, why the establishment of such a monopoly, under proper regulations, in the ceded provinces of Oude, should not be proportionably productive as a source of revenue, and as little oppressive on the inhabitants, as long experience had proved it to be in the province of Bengal.—After the able and comprehensive speech of his right hon. friend opposite to him, (sir John Anstruther,) he felt that he should trespass unnecessarily upon the time of the house, if he attempted to enter, to any great extent, into the general question before it. He certainly thought, (and he was persuaded that he spoke the sentiments of most of the gentlemen present, who were conversant in the affairs of India, when he said,) that our right of control over the affairs of Oude was fully established by the peculiar nature of the intimate connection subsisting between the East India company and the government of Oude; a connection which could not be dissolved without consequences the most injurious to both states, and probably destructive to the government of Oude. Much had been said respecting the interference of lord Wellesley's immediate predecessors in the affairs of Oude; and he certainly could not conceive a more direct and positive act of interference, or one which went further to establish the dependency of Oude upon the East India company, than that which was exercised by lord Teignmouth; when, with the assistance of a British army, he deposed vizier Ali, whose elevation to the musnud he had before sanctioned, and placed the present vizier Saudut Ali in his room. In adverting to this transaction, he had no other object whatever than to call the attention of the house to lord Teignmouth's opinion with respect to our relations in Oude, whose authority, so deservedly respectable upon all subjects relating to India, is so entirely conclusive upon this particular point; and he hoped it would be understood, that nothing was farther from his intention than to impute the slightest blame to the noble lord for his conduct upon that occasion. On the contrary, he thought, that under circumstances of great difficulty, and, he believed, of personal danger, lord Teignmouth displayed a degree of judgment and firmness which was highly creditable to his character. He also thought, that his decision was founded in strict justice; but, was it only where justice was due to others that our interference was warrantable? but where it was due to ourselves, in a case where our security depends upon our interference, are we to remain inactive spectators of the ruin of the resources upon which that security was to depend; nor could it be maintained, that the gov.-gen. should have postponed his interference till that ruin was accomplished, rather than have interposed his authority to prevent it? That it was fast approaching, was abundantly proved by the papers upon the table; and he would ask the house, what must have been the condition of those provinces, if, in addition to the calamities under which they were suffering, they had been exposed to the evil of becoming the seat of a Mahratta war; and yet, had those provinces continued under the direction of the vizier, at the breaking out of the Mahratta war, it would have been utterly impossible for lord Lake (whose loss the public and his friends have so much reason to deplore) to have achieved that brilliant campaign, for which, among other marks of distinction deservedly conferred upon him, he received the thanks of the house. His army would have found sufficient employment in restraining and keeping in check the mutinous and disorderly troops of the vizier. Had he attempted to advance beyond the frontier, the country would have been in open rebellion; his supplies (if indeed he could have procured any from a country in such a condition) would have been cut off; he must therefore have remained in Oude upon the defensive, and (in addition to the evils of a protracted war) from the inadequacy of his force to cover the whole of a weak and extensive frontier, he must necessarily have left many parts of the country exposed to the irruption of the Mahratta army.—In consequence, however, of the introduction of the company's authority into those provinces, lord Lake was not only enabled to draw his supplies from them, but to apply the whole of his force to the attack of the enemy, and thus he finished, in one campaign, a war which might otherwise have been protracted to a period of several years.—These were a part of the advantages resulting from that territorial cession, a demand for which he maintained not only to have been justifiable, not only conformable to the spirit of the stipulations contained in the treaty of 1798, but absolutely necessary to our security. The vizier had repeatedly intimated to the resident, his apprehension of a total failure in the resources of the country, and in proportion as it was essential to the interests of the company, and of the vizier, that a large British military force should be permanently stationed in Oude, in the same proportion was it necessary, that the resources by which that force was to be maintained, should be preserved from failure. And, considering all the circumstances detailed in the papers upon the table, of the radical defects of the vizier's system of administration, of the mutinous spirit, and total want of discipline prevailing in his army, of the annual progressive decline of the revenues and resources of every description, and of the existence of a formidable French establishment, permanently stationed upon the most vulnerable part of our frontier; he repeated, that, under such circumstances, the governor-general, whoever he might be, would not only have been unworthy of the trust reposed in him, but would have been guilty of a criminal neglect of his duty, if he had not taken effectual means for placing the company's interests in Oude, as connected with those of the vizier, upon a permanent foundation of security. The arrangement, as it now stands, has proved equally advantageous to both parties. The company no longer depends for the regular discharge of the subsidy upon the precarious realization of the revenues. On the other hand, the vizier, with a diminished territory, had, in a pecuniary view, derived a considerable advantage. For, although the districts ceded to the company, were rated at a crore and 35 lacks of rupees, it appeared, upon an examination of the account of the aumils of the several districts ceded, that not more than 90 lacks had ever been paid into the vizier's treasury from those districts; consequently, he was a gainer of more than *forty* lacks of rupees annually by the new arrangement.—The noble lord (Folkestone) had stated, in his Resolutions, that in pursuing this measure, lord Wellesley was actuated by motives of ambition and aggrandizement. But he positively knew, that he pursued the whole progress of this arrangement with a degree of personal labour, solicitude, and anxiety, almost unparalleled, under a conviction that his duty required the steps which he took, and that he was acting in a most important and urgent case, not only for the advantage, but for the very existence of the interests committed to his charge. He also acted under a conviction, that his proceedings were consonant to the wishes and intentions of his employers at home; nor did he receive the least intimation, not even a hint, that his measures in Oude were disapproved by the court of directors, until his return to England in 1806, more than four years subsequent to the conclusion of the treaty. As to the motives imputed to him by the noble lord (Folkestone) he took upon himself to assert that in this as well as in every other measure connected with his arduous administration, lord Wellesley had been actuated by no personal motive whatever, unless indeed it were that which (although so nearly connected with him, he trusted he might be permitted to say) had distinguished every act of his public life,—an anxious and unremitting zeal for the welfare and interest of his country. And he would put it to the house, whether, if the reports which had reached this country respecting the designs of Buonaparte upon our possessions in the East Indies, and of the progress which he had made in the furtherance of those designs, be entitled to any credit, whether this was a time to propose to the house to pass a vote of censure upon the measures which are best calculated to defeat his designs? An hon. director (Mr. Grant) had said, that the system of policy pursued by lord Wellesley, during his administration, was likely to prove injurious to our interests in India, at the present crisis of affairs. Did the hon. director think that our interests would have been safer if the power of Tippoo Sultaun were still in existence, with the means which he possessed from the extent of sea-coast, which formed one of the boundaries of his dominions, of facilitating the landing of a French army in the peninsula? Did he think that our interests would be safer, if the native powers of India were free from all connection with the British government, some of them with large French establishments in their service, one of these permanently stationed upon the most vulnerable part of our frontier, and upon that part of it which (in the course he was supposed to be pursuing) would immediately present itself to the enemy? Was it not evident, that if such were the political state of India, at the present moment, that the danger which was supposed to menace it from the projects of Buonaparte, would be infinitely more formidable than it now is? And, lastly, he asked, if, at the present crisis of affairs, we derived any security from the destruction of the French power in India, and from the establishment of our influence over the councils of the native princes, was it not solely to be attributed to the measures pursued by his noble relation during his administration?—He said, he had only further to state, that as far as he was personally concerned in the transaction before the house, fully impressed as he was with a sense of the important advantages resulting from it, if he thought it possible that the Resolutions proposed by the noble lord (Folkestone) would be sanctioned by a vote of this house, he certainly should deeply lament it. But there was one part of this transaction to which he had not yet adverted, and to have been concerned in which could not fail, under any circumstances, to afford him the highest gratification; and that was, that he should have been instrumental to the relief of several millions of people from the most dreadful system of tyranny, oppression, and violence, that ever prevailed in any part of the world.

Mr. *C. Grant,* in explanation said, that the war with Tippoo was one of defence. Here the measures were those of aggression.

Mr. *George Johnstone,* felt great difficulty in offering his opinion upon the conduct of a person, who, on some occasions, had done great service to the country, and to whose motives he did the amplest justice. He had at the outset of the noble marquis's government in India, been one of the first to offer his tribute of praise to his splendid actions, and it was not till he saw him enter upon a line of policy bad in itself, and disapproved of by the company at home, that he changed his opinion. It should appear from the papers on the table that our frontier was in danger, and it was necessary to secure it; that would be a full justification of the noble marquis's conduct; but if, on the other hand, it was evident that no further security was necessary, and that his system went only to destroy the independence of every native power in alliance with us, and to interfere with their internal government, a double portion of censure ought to fall on him. In order to shew this to be the case, he would consider the subject under four heads; 1. The rights of the nabob of Oude by treaty. 2. His conduct under these stipulations. 3. The negociation which was pursued for the purpose of procuring the disbanding of his troops; and 4. The negociation which compelled him to cede the half of his territory in commutation of his kists. The hon. gent. then entered upon a detail of the circumstances that led Saudut Ally to the musnud, and went through the articles of the Treaty concluded between him and the company in 1798, and contended, that the danger of invasion from Persia was as great at that time as it was at any future period. From this circumstance he drew the conclusion, that as the territory of Oude was not seized when the treaty was concluded by sir John Shore, there never was a future occasion for resorting to such a measure. And what was the reason assigned for not seizing it? because it would ruin our character for justice and forbearance over all Hindostan. The treaty was concluded, and government pronounced it to contain every thing beneficial and desirable, and to be fully competent to the security of the interests of both parties. The nabob was sincerely attached to, and zealous in the service of the company; to whom, on a pressing occasion, he gave money from his private treasures, and his family horses for the purpose of mounting a regiment. We were, therefore, in every sense bound to the strict observance of the treaty; yet what would they say, judging fairly and impartially, when ten months after, they found the governor-general determined to break through it—to pursue the system of wresting the Dwab from the nabob, interfering in his civil government, and disbanding his troops. From several letters, this appeared to be his determination, and it was postponed a twelvemonth by the more important affairs of the Mysore, which were no sooner settled than Mr. Lumsden was recalled from Lucknow, and Col. Scott was appointed resident there. It was then they proceeded with violence to procure the dismissal of the nabob's troops, for the purpose of spreading their own over his dominions, and taking the collection of the revenue, as well as the authority of governing, out of his hands. He called upon the house, to consider in this place the representation made by the nabob (which he read); and, he was sure, if they did not feel for the cruelty and aggression that had been exercised towards him, they would be destitute of those feelings which a British parliament was never yet found to want. Yet, to this representation, so humble and so expressive of attachment, the most harsh and severe answer was returned by the governor-general. It made no alteration in his plans; and he went on with them in direct violation of the treaty, and that in a manner calculated to degrade the nabob in the eyes of his people. These measures at last threatened, that the troops of the vizier were reduced to the amount of 14½ lacks, and a further practical reduction proposed, amounting to 15 lacks, besides the troops of that great officer Almas, who was countenanced by the British government against his own master, amounting to 8 lacks. This, however, does not satisfy the governor, and the next step is to take an improbable alarm respecting the failure of the resources, and to demand a cession, not only of a part, but of the whole dominions of Oude, without leaving the sovereign any power at all, but remaining merely as a pensioner on the company. If any thing could equal this outrageous proposal, it was the double dealing manner in which it was wished to be effected, by asking the nabob to make an application to have it done as a favour to himself, and for the benefit of his people. He resisted it with meekness, but with firmness; and then came the letter accusing him of ingratitude, and threatening to send troops to take forcible possession of his territory. A demand of 38 lacks of rupees is instantaneously required to be paid. This sum had increased from 17, in eight months, and he doubted that any part of it was due; for, from the accounts before the house, it appeared, that in former years the expenditure of Oude was less than the payments. Thus, in the three preceding years, the expences had been 60, 90, and 80 lacks, while the payments were 67, 98, and 92 lacks. Thus pressed, however, the nabob made an offer so fair, that the resident at Lucknow wished to conclude a treaty with him upon that ground. It was a cession of territory to the amount of 1 crore 20 lacks, for the payment of the additional troops marched in by command of marquis Wellesley; but even this was rejected by him. Harrassed at last by all these means, the nabob only wished to resign the territory of his ancestors to his son, and by the most respectful means, a petition of right, addressed to the governor-general on this subject; but this also was rejected in a most harsh and cruel manner. He doubted much that ever the noble marquis would have succeeded in his object, had he not appointed his brother to be resident at Oude; which appointment by the way, was illegal, as being made without the advice or consent of the council. To do away the levity with which gentlemen were too apt to look at the treatment of this sovereign, he here read copious extracts from the reports of the negociators sent to Lucknow by marquis Wellesley, and animadverted with great severity on the absurd assertion, that the nabob, despoiled of one half of his territory and revenue, was now happier and richer than he was before. There was something mysterious and concealed too in the correspondence of the hon. gent. behind him, (Mr. H. Wellesley) and his brother. The letters were marked 'private;' there were inclosures that were never seen, and it was not till 60 days after the changes had taken place, that a detail of them was made known to the government. He had also to remark on the conduct of the hon. gent. himself, who seemed to have imbibed a harshness in this affair, very incongenial with his usual meek and mild temper. It was not so strange that the noble marquis, elated with his successes, and governor-general of India, should treat an independent sovereign with haughtiness; but he could not be reconciled to the hon. gent. (Mr. H. Wellesley) expressing 'his utmost indignation and surprise' at the conduct of the nabob, for a circumstance which in his view was calculated to excite neither surprise nor indignation. It was pitiable to see the answer returned by the nabob to the letter containing this expression, so humiliating not only to himself, but to the king of G. Britain, the parliament and country, whose names he was sorry to say had appeared too often in the threats productive of these submissions. The hon. member recapitulated shortly his preceding arguments, and apologised for the time he had occupied the house, but it was from detail alone that this business could be understood. The pretence for marching troops into Oude was futile, for there was not the slightest danger to be apprehended from Zemaun Shaw, although from the days of Nadir Shaw it had been the general cry in Hindostan, whenever the weather, fit for marching troops, set in, 'the Persian conqueror is coming.' In 1796 they had penetrated 200 miles into the country of the Seiks, but even then they were 300 miles from the frontier of Oude, and the Mahratta states lay between them. All circumstances continuing the same, would it be argued, that the governor-general was entitled to change a system which was approved of by those who appointed him? If he did so, it must be on a real, and not an imaginary necessity. The hon. gent. who spoke last, had asked how we could have carried on the Mahratta war? Would to God we had never had the power to carry it on, or any other so destructive to our interest in India. He contended, that the nabob was independent, and as to the argument, that he was bound in gratitude to the company, it appeared to him the same kind of gratitude that was due from Prussia to Buonaparte, after he had taken all he had any use for, and left that sovereign dependent upon him for what he allowed him to retain. It was urged that the nabob was only independent from having wrested his dominions from the Mogul; he would ask whence came the independence of the East India company, who were nothing more than the keepers of his exchequer. But, it was needless to argue on supposition, since he had it from the highest legal authority in this kingdom, that of the lord chancellor, who had decided that the nabob of Arcot was an independent sovereign, at a time when he was not possessed of half so good a title to it as the nabob of Oude. It was still a more whimsical defence to adduce the evidence of marquis Cornwallis, who had said, that such a system destroyed in India the opinion of the justice, moderation, and good faith of G. Britain. The opinion of lord Teignmouth was also pressed as unwarrantably into this defence; for the treaty he concluded in 1798 was an existing proof of the direct opposition he gave to the principle. An attempt had also been made from the 12th article of the treaty, to prove that the company had a right to march troops into Oude, and take security for any arrear of the kists; but this, he shewed, was a fallacy in the present instance, as no arrears had been contracted, and the only pretence was arrears due at the time the treaty was concluded.—He had next to consider a little the general policy of this system. Why were they so anxious to improve the discipline of the troops belonging to the nabob? These troops were the same as all the troops in India, and such as enabled them to make their conquests, and the first thing they would have done would have been to repel the treatment they had met with. The hon. gent. here digressed into a statement of the customs of the casts in India, their importance, and the general tendency of that kind of association. He pointed out the mode of collecting the revenues, by appointing lieutenants with military authority, who paid stipulated sums for their several provinces. These found it most to their interest to compromise with the zemindars, because the whole time for collecting the revenue was only about six weeks when the crops were taking in; and if any were refractory, the lieutenant had not time to overpower them from their forts, and enforce obedience. Thus, in this strange way, since the country had been broken into smaller states, independent of the mogul, the evils counteracted and corrected each other. He then turned to the assertion that had been made with regard to the revenues of Oude in particular, and shewed from a long calculation, that this country, so desolated and disgraced, produced more revenue in proportion than Bengal, which was reckoned the most productive province in the possession of the company—Oude yielding 57*l.* 10*s.* per square acre, and Bengal only 40*l.* 10*s.* The new system had introduced the monopoly of salt, but from the difference of situation between Oude and Bengal, it had been found so destructive and ruinous, that it was obliged almost immediately to be abandoned. The use of spirituous liquors, so strictly forbidden by the Mahometan law, was also introduced and legalized in Oude. He would ask, if any advantage had been found to arise from this?—Having hitherto considered the question without any personal application to the noble marquis, he trusted the house would pardon his encroaching on them a few minutes longer in making some remarks on it in that point of view. The council was designed to deliberate with the governor-general on any plans he might form; that by a previous discussion in detail, the nature of the intended measure might be ascertained; and not only that, but for the purpose of having on their journals a sufficient account of transactions to be transmitted for the information of the government at home. But if, as in the case of the noble marquis, the governor-general chose to pass by this part of the constitution of India, and keep his plans in his pocket, he would be relieved from the most important check upon his conduct. He got rid of forms which were thought necessary in the case of a cabinet minister at home, and were much more necessary at the distance of ten thousand miles, where they were the only means left for controuling the exorbitant power of the head of the establishment. The negotiation was not recorded till long after it was finished; so that neither the council nor the company, for several months, knew any thing of the matter. As for the Thanks voted to the noble marquis, they proceeded from ignorance, for it was imagined that the governor-general was doing nothing more than securing the company's revenues in Oude. But, his measures did not add either to their security or their revenues. The Rohillas were in the same state as ever, and in 1804-5 their revenue was less than it was in former years, because their charges, which always grew in proportion to their wealth, were greater. The revenue was 1 crore, 43 lacks; the charges 48 lacks, which, with 20, as the expence of a regiment of cavalry and two of Sepoys, and left 76 lack, the same time the nabob was bound to pay them, but he had always paid more, and in the preceding year paid 115 lack, being nearly 40 more than was raised by the new system. In detailing the various measures which he thought beneficial to India, he gave his warmest praise to the permanent revenue mode, adopted by marquis Cornwallis, which would in time very much ameliorate the condition of the natives. The system of jurisprudence he considered as too complicated to have any good effect. As for the amelioration of Oude, the promise of it was forgot the moment they got possession of the territory; not a single attempt had been made to accomplish it in the slightest degree, and by this means the British name and troops were made the instruments of oppression, as they were employed in collecting the revenue and other unpopular acts, which were formerly done by the authority of the vizier. They had added to the evils of the Indian government, the evils of an European military system—a system which had been tried at Gurrockpore, and had laid waste that district. Having thus taken notice of the principal objections against the noble marquis's government that occurred to him, he had only to add, that thinking his motives pure, he would not concur in pressing this charge any further than censure. An impeachment he considered as improper; and if in his power, he would rather correct the Resolutions, carrying them no further than the opinion of marquis Cornwallis, that the system was destructive to the character of justice, moderation, and good faith, hitherto maintained by the British in India. Whatever difference of opinion might exist between him and his friends on the past, he was sure they had only one mind as to the future. They had nothing to say against the eulogies bestowed on the noble marquis, for his conquests and victories, they only begged to have no more victories for the future. They wished it to be sincerely said, we abjure conquests and will pursue victories no longer. The hon. member concluded, by noticing what had been said on a former night. Those, that had compared the court of directors to twenty-four printers, ought to recollect that they were the men who put a stop to this ruinous system, and sent out marquis Cornwallis to put a termination to it.

Mr. *S. R. Lushington* (Member for Rye) was perfectly aware of the difficulty under which he rose to address the house upon this important and extensive question. If local knowledge, obtained during a long residence and service in India, should lead him into much detail, he should incur the hazard of wearying the patience of the house; and if he altogether neglected that detail, he might sacrifice the real merits of the case. He should endeavour in deference to the feelings of the house, to be as concise as possible, at the same time not to abandon the substantial justice of the question. After all the declamation the house had heard, their judgment upon this question must be founded upon the treaty made with the nabob of Oude by lord Teignmouth in 1798; but as that treaty confirmed all former treaties, not contrary thereto, it was necessary to review the principal stipulations of those treaties, and the practice of successive governors-general, as approved by lawful authorities in this country.—The first treaty made between the vizier and the company was in the year 1765, when, after an unjust war against the English, his dominions and his person were in possession of the British army. In such a situation, it was not very probable that lord Clive should treat with him as an independent sovereign; in fact, he prescribed to him such terms as were, at that time, judged best for the company's interests; and many articles of that treaty bear the stamp of his subjection, and of the company's superior power.—The second article of that treaty expressed that the company should defend the province of Oude, according to the exigency of the nabob's affairs, and so far as might be consistent with their own security. In this case, of the English company's forces being employed in his highness's service, the extraordinary expence of the same was to be defrayed by him. In like manner, if the company should be attacked, his highness shall assist them with a part or the whole of his forces; but the company are not to pay for his forces.—Here then was an obvious distinction in the relative situation of the two states:—The company, as sovereigns, were to protect the dependent state of Oude, and they are to be paid for it. The nabob, as a protected ally, should defend the company's territories and be paid nothing at all.—Was it possible, after such a clause as this, to imagine that the nabob-vizier treated with the company as an equal, independent power?—The fourth article states, 'The king Shah 'Aulum shall remain in full possession of 'Corah, and such part of the province of 'Allahabad as he now possesses, which 'are ceded to his majesty as a royal de'mesne, for the support of his dignity and 'expences.' This article does not express by whom this cession is made; but the treaty with the nabob-vizier in 1773, clears up this point. It states, 'Whereas in the 'treaty concluded at Allahabad in the 'year 1765 (Aug. 16) between the com'pany and the vizier, it is expressed that 'the districts of Corah and Allahabad were 'given to his majesty for his expences; 'and whereas his majesty hath forfeited 'his right to the said districts, which have 'reverted to the company, from whom he 'received them.' This was an express recognition of the sovereignty of the company by the vizier himself: and those provinces, which the vizier acknowledged to have reverted to the company in their capacity of sovereigns, were re-granted out to himself under certain stipulated conditions; namely, 'He shall pay to the 'company 50,00,000 sicca rupees.'—The next treaty was one upon which Mr. Lushington particularly desired to fix the attention of the house. It is dated in 1768; and the object of it was, to limit the number of the nabob's troops, of every description, to 35,000 men. This was done in consequence of suspicions entertained of the treachery of his councils: and it was particularly to be remarked, that this number of troops was deemed by lord Clive sufficient for the defence of Oude at a time when the company had no troops of their own in that province.—Of this description were the treaties with the nabob of Oude down to the year 1781; and correspondent with these treaties was the practice of the British governments—exercising a real controul over his highness, protecting his country from foreign invasion, receiving his subsidy, reducing the number of his military when any suspicions were entertained of his fidelity, and in defending the jaghireders of the empire from his violence. Such were alone the acts of sovereignty exercised by the Mogul in the fulness of his power; to these the company succeeded by the defeat of his majesty, and the right to exercise them was solemnly confirmed by treaties with the vizier.—The letter of lord Cornwallis, dated 13th April, 1787, was the next document for the consideration of the house. In this letter, which afterwards assumed the force of a settled agreement, lord Cornwallis superseded that article of the treaty of 1781, which the vizier had introduced for the purpose of removing the British troops from Futty Ghur, because those forces were, in lord Cornwallis's judgment, requisite for the defence of Oude. On this occasion lord Cornwallis remarked, 'Al'though there is no prospect of any attack 'on your excellency's territory at present, 'its security must ultimately depend upon 'the strength of the force stationed for its 'protection. I doubt not your excellency 'will agree to the additional expence of 'effective troops, where the object is the 'defence of the country; for this reason I 'do not hesitate to recommend to your ex'cellency, to discharge so much of your 'own army as will allow for the additional 'expence attending the continuance of 'those effective troops. It is my firm in'tention, not to embarrass your excellency 'with further expence than that incurred 'by the company from their connection 'with your excellency, and for the protec'tion of your country; which, by the ac'counts, I find amounts to 50,00,000 an'nually.' Thus, lord Cornwallis superseded an article of a former treaty, augmenting the British force in Oude, and requiring the vizier to discharge so much of his own army as would enable him to pay the expence of our effective troops. In respect to the details of his highness's government, lord Cornwallis remarked, 'As it is the intention of the company, and 'my firm resolution, that no interference 'shall take place in the details of the af'fairs of your excellency's government, 'strict orders shall be sent to him [the re'sident], that he shall neither interfere 'himself, nor suffer interference, by pub'lic or private claims, or exemptions of 'duties, or in any other mode, from any 'British subject, or person under the autho'rity of this government; in short, leaving 'the whole management of your country 'to your excellency and your ministers 'I will put a stop to the interference 'of others: and, in order to carry this 'effectually into execution, I propose to 'your excellency not to suffer any Euro'pean to reside in your dominions with'out my written permission.'—Notwithstanding the nature of the interference which lord Cornwallis was determined to prevent, was thus specifically expressed to be the interference of Europeans residing in Oude, whether with or without authority, yet it had been contended that these expressions were sufficient to restrain any future governor-general from interposing the power of the company for the security of the province, by augmenting the number of the British troops, and by insisting on the discharge of the nabob's mutinous rabble. The conduct of lord Cornwallis, as shewn in the same letter, completely falsified this construction; for the house would explicitly understand it to be his firm determination, that, 'the expence 'incurred by the company from their con'nection with Oude, and for the protection 'of the country,' should be defrayed by the nabob. The interference he deprecated was, that of lawless Europeans, who had, for their corrupt purposes, been too long engaged in pursuing usurious loans, in insisting upon exemptions from duties upon their merchandise, and in oppressing the inhabitants, by enforcing the payment of balances, on the equity of which such offenders had themselves decided.—The result of lord Cornwallis's treaty was, therefore, in practice this:—That he augmented the British troops as he thought necessary for the protection of Oude, 'al'though there was no prospect of attack 'on his excellency's territory;' and made the vizier pay for that augmentation: that he called upon the nabob to discharge his useless troops: and, though he very properly interdicted all interference in the details of the vizier's government by Europeans resident at Oude, he not only did not relinquish any of the sovereign rights derived from his predecessors, and confirmed by treaty, but even extended the interposition of his power to the protection of the vizier's minister, in opposition to the will of his master. And upon this marked act of interference, in the detail of his highness's government, the court of directors expressed their decided approbation. As demonstrative of the nature of lord Cornwallis's interference, and of the court's approbation, Mr. Lushington here read and referred the house to—Lord Cornwallis's letter to the vizier, dated 12th Aug. 1793. 'It is well known, not only 'throughout Hindostan, but to all Europe, 'that, notwithstanding the prevalence of 'peace during so many years, the revenues 'of your excellency's dominions are di'minished beyond all conjecture; that 'from Rhohilcund, which paid at first 80 'lacks of rupees a-year, and afterwards a 'crore, forty lacks cannot now be collect'ed; and that four lacks only are receiv'ed from Goruckpore, which formerly 'yielded twelve; and that other metals 'are in a state of progressive decline. 'Does not this consideration alarm your 'excellency? Can any thing but ruin re'sult from such circumstances? Are not 'these facts a decisive proof of tyranny, 'extortion, and mismanagement, in the 'aumils? and what must be the situation 'of the ryots who are placed under such 'people? But your excellency knows that 'the prayers of the oppressed are attended 'to by the Almighty, and often call down 'his vengeance upon their oppressors. No 'truth is more certain than that justice is 'the foundation of the prosperity of states; 'and when the rulers are negligent in 'punishing those who oppress their sub'jects, they become partakers of their 'crimes, and may be deemed the subvert'ers of their own prosperity. History 'confirms the observation, by exhibiting 'innumerable examples of monarchies 'overturned, and families effaced from the 'earth, by a violation of justice in the so'vereign, or neglect in him to enforce its 'laws. I have been informed, and your 'excellency knows how far it is true, that 'for many years past no aumil in your 'dominions has been punished for misde'meanors; yet the decline in the revenues 'could not have taken place without great 'mismanagement, which must have merit'ed the severest punishment: lenity and 'good-nature are amiable virtues; but it 'is at the same time to be remembered, 'that lenity towards oppressors is injus'tice towards the oppressed.—The evils 'flowing from this source would have 'been less felt, if in proportion as the 'revenues declined a diminution of ex'pences had taken place. But profusion, 'in fact, was the cause of the first evil; 'and the continuance of it increased its 'magnitude, without wars, without any 'material losses, uncommon accidents, or 'irregular demands. I learn from your 'ministers, that your debts exceed a crore 'and a half of rupees. I thank God that 'this accumulation of debt cannot be in 'any respect attributed to the interference 'of the English. In the detail of your ex'cellency's affairs, in which for these 'seven years they have had no concern, 'your excellency must, I am afraid, confess 'that a total disregard of all economy on 'your own part is the cause of those incumbrances. I wish I could as certainly 'point out the means of liquidating them. 'But it requires no wisdom to foresee the 'consequences of a decreasing income, and 'increasing profusion, disorder, discredit, 'and distress.—I am obliged to represent, that all the oppressions and extortions, committed by the aumils on the 'peasantry, take their source in the connivance and irregularities of the administration at Lucknow; and though the 'company's subsidy is at present paid up 'with regularity, I cannot risk my reputation nor neglect my duty by remaining a silent spectator of evils which will 'in the end, and perhaps that end is not 'very remote, render abortive even your 'excellency's earnest desire that the subsidy should be punctually paid. As the 'company have expressed their approbation of the choice which you have made of 'Hussein Reza Cawn and Rajah Tiket Rai 'to be ministers, I shall naturally consider the political measures of your government to be dependent on them, as 'well as the domestic. And, convinced of 'the necessity that they should be supported in the execution of their duty, I 'have given and ever will give them that 'countenance which the connection between our governments enables me to do. 'I feel this to be a duty incumbent on me, 'for the credit of the company, as well as 'your reputation; since the connection 'between us, the employment of the company's troops in your dominions, and the 'effect reciprocally felt of a good or a bad 'government in our respective territories, 'equally affect both in the eyes of all Hindostan.'—What did the court of directors say upon this letter of lord Cornwallis?—'To afford every possible countenance and protection to the minister, 'even in his opposition to the will of his 'master, in his exertions to remedy the 'abuses complained of, is a line of interference which the situation of affairs, and 'the disinclination of the vizier to enter 'upon any effectual reform, fully warranted.'—The hon. gentlemen on the opposite side of the house smiled at this description of the miseries of a mussulman government! Did they think that this language was not applicable to the misrule and anarchy of the vizier's territories? or did they believe that lord Cornwallis exaggerated the calamities which distracted that country? Mr. Lushington, considered this description to be perfectly true—to be expressed in the voice of wisdom and just authority, in the vigour of lord Cornwallis's understanding, and in the unbroken firmness of his mind. It is upon these and the other records of that great and good man's former long and prosperous administration in India, with many of which Mr. L. was intimately acquainted, that every true friend of his memory must desire to rest the glory and humanity of his name; not upon the few and fearful dispatches, written in the last imperfect days of his existence, when his noble spirit was fast sinking beneath the infirmities of nature.—The treaty of sir John Shore, now lord Teignmouth, remained to be considered, and any gent. who had read his ldp.'s minute upon this subject, could not entertain a doubt that lord Teignmouth knew the sovereign power over Oude was vested in the company. His lordship had stated, that he acted upon this conviction when he deposed vizier Ally from the musnud and placed Saadut Ally in that situation; and certainly this interposition was one of those extreme acts of sovereign power, which nothing but the undoubted possession of that power, and an irresistible necessity for using it, could justify.—Under this correct impression of his power, and of his duty as governor-general, sir John Shore deposed vizier Ally, and placed Saadut Ally on the musnud. The treaty formed on that occasion, bound the company to defend the dominions of Oude against all enemies; and to enable them to perform this engagement in a better manner, the former subsidy, of 56,77,638, was augmented to 76,00,000.—The first part of this treaty, which Mr. Lushington would particularly notice, was the last; because the noble lord who had brought forward these accusations, had put a construction on it which, in Mr. L.'s judgment, was not its correct meaning. The words to which he alluded were these: 'The said nabob shall possess 'full authority over his household affairs, 'hereditary dominions, his troops, and 'his subjects.' These words, considered apart from the rest of the treaty, would release the nabob from all connection with the company. If the nabob were really to possess full authority over his hereditary dominions, what became of the second article of this treaty, in which his highness commits 'the defence of his dominions, against all his enemies,' to the company? If it were to possess full authority over his troops, as they then were in number, what force would then remain to the twelfth article of the treaty, in which the nabob engages to consult with the company's government, and in concert with them devise the proper objects of reduction in his establishments? If he were to possess full authority over his subjects, he might employ them as diplomatic agents to any foreign power or state, in violation of the thirteenth clause of this treaty, where the 'nabob engages not to 'carry on such correspondence, without 'the knowledge and concurrence of the 'company.'—Mr. L. would not go more fully into the other clauses of the treaty, for he had said enough to convince the house that this treaty must be construed by that rule of law and reason which taught them, in the interpretation of all public covenants, to consider the whole of the stipulations connected together; not to regard only some general expressions, that militate, under the construction put upon them, against the specific and most important articles of the covenant. For these obvious reasons, Mr. L. thought the house would agree with him, that the nabob was to possess full authority over his household affairs, hereditary dominions, troops, and subjects, as far as might be consistent with the specific clauses of that treaty.—Of those clauses, the twelfth was that upon which lord Wellesley was first called upon to take any particular measures. His lordship knew, from all the communications, and directions received from the court of directors, that the reduction of the large, useless, and expensive military establishment, within the Oude dominions, was one of their most earnest desires; and as the vizier was bound by treaty to concert with the company's government the proper objects of these reductions, lord Wellesley required the vizier to carry this intention into effect. During a period of war and menaced invasion, when reduction was impracticable, the nabob had professed a desire that the reform might be made; but when a season of peace presented a fit occasion, far from co-operating in this reform, he opposed the deepest artifices and most obstinate delays, until the season of produce and collection having arrived, the difficulties of this reform were greatly aggravated. To fulfil this indispensible measure, and, at the same time, to protect the dominions of Oude from foreign invasion, lord Wellesley introduced an additional number of the company's troops into the province; and after a long struggle on the part of the nabob, and frequent mutinies amongst his troops, they were reduced, from the number of 65,000 men, to about 45,000 men. After a deliberate examination of the treaty, and of the papers upon this subject, the conviction of Mr. Lushington's mind was this, that lord Wellesley, in the reduction of the troops, did too little, and not too much. For the foundation of this impression he referred to the twelfth article of the treaty, to the explanation given of it by lord Teignmouth and the nabob himself, from which it was clear, that the nabob's troops were to be reduced to 35,000 men at least, or still lower if necessary, to secure the payments under the treaty. Mr. Lushington here read to the house the article of the treaty, and the explanations of lord Teignmouth and the vizier, to which he alluded.—'Whereas, by the engagement 'now entered into between the nabob-'vizier, and the company, the amount of 'the subsidy is considerably increased, 'and many other permanent charges upon 'his excellency are incurred; on a com-'parison of his disbursements with the 'assets of his country, it becomes ne-'cessary to make such reduction in the 'superfluous charges of the establish-'ments of the public servants, &c. as 'may be requisite, and are consistent with 'his excellency's dignity and convenience. 'To that end, the said nabob agrees to 'consult with the company's government, 'and, in concert with them, devise the 'proper objects of such reductions, and 'the best means of effecting them.' Lord Teignmouth's evidence: 'I think there 'was a proposition made for the specific 'purpose of reducing the nabob's mili-'tary. The nabob was afraid that a spe-'cific proposition of that kind might ex-'cite alarm; and on some discussion with 'the former minister, Tofassul Hassan 'Khan, I think that article (the twelfth) 'was substituted for the plain article, sti-'pulating a reduction of the troops, and 'that it was perfectly understood the com-'pany should interfere, for the purposes 'expressed in this article, so far as might 'be necessary for securing the payment 'under the treaty.'—From the nabob-vizier, 19th Feb. 1800. 'Your lordship 'is in every respect desirous, that the 'dignity, respectability, and outward state, 'of this government should be maintain-'ed. For this purpose it is necessary, 'that a suitable body of troops be main-'tained after my own manner. According-'ly, in the first draft of the treaty, sir John

'Shore, bart. proposed thirty-five thousand men, cavalry and infantry.'—Having thus established the right and duty of the governor-general to compel this reduction of the military, Mr. Lushington would not long detain the house upon the policy of that reduction. The noble lord, who had brought forward these charges, had himself affirmed, that 'the nabob's forces were composed of disorderly and irregular troops, unaccustomed to the rules of 'good discipline, and disaffected to his 'person.' This admission precludes the necessity of referring to the body of evidence, upon this subject, before the house, attesting that these troops were both useless and dangerous. It needed neither argument nor language, to impress upon the house the extent of this danger; for it was self-evident, that one of the most formidable perils to which any state can be exposed is, the disorder and disaffection of its military power. And, here, Mr. L. reminded the house of the experience which the British government had acquired of the services of similar troops, in their early wars against the French, in the Carnatic. He had the authority of that accurate and elegant historian, Orme, for declaring, that they were an obstruction, rather than an auxiliary, to that success, which after an arduous struggle of fifteen years, finally crowned the British arms. Without trespassing upon the time of the house, by referring to particular instances of their misconduct, it should never be forgotten, that at a moment of the utmost emergence in the company's affairs, when Trichinopoly was closely besieged by an immense confederated force, the troops of Mahomed Ally closed their career of service by going over to the enemy in mid-day, having previously stipulated with captain Cope, the commandant of Trichinopoly, that he would not fire upon them as they marched off. To this he readily consented, being heartily rejoiced to get rid of so dangerous an incumbrance.—Such were the services which might have been expected from the military of Oude, had Zemaun Shah invaded the province, or had the French-Mahratta forces been let loose upon the country. Their reduction was demanded, not less by policy than by treaty, and the vizier was bound, by the seventh clause, to pay the expence of the company's troops introduced into his country. But he failed to make good this payment; there occurred an arrear of twenty-two lacks, and lord Wellesley put into execution the following article of the treaty:—'If, contrary to the sincere intentions and 'exertions of the said nabob, the payment of the kists should fall into arrear, 'the said nabob Saadut Ally Khan engages and promises that he will then give 'such security to the company for the 'discharge of the existing arrears, and 'the future regular payment of the kists, 'as shall be deemed satisfactory.' The only security, which could be deemed satisfactory in a case of this description, was that which lord Cornwallis had suggested, and the court of directors had repeatedly approved, a territorial cession. Lord Wellesley demanded this security; and, after a long struggle by the vizier to avoid it, he at length ceded to the company a territory producing a gross revenue of 1,35,00,000, in payment of a net subsidy of 76,00,000. To persons who are not acquainted with the enormous civil and military expenditure, in collecting the revenues under a Mussulman government, this amount of cession, in gross revenue, might appear exorbitant. It happened however, that a statement upon the table of this house casts considerable light upon this question.—From the statement, compiled by Mr. G. Johnstone, and entered at the end of the minutes of evidence on the Oude charge, it appears that the gross revenues of Oude amounted to 2,21,70,000. From this gross revenue the vizier received into his treasury at Lucknow only 96,05,000. After discharging the company's subsidy of 76,00,000, there remained a balance from the whole of his dominions of 20,05,000: out of which he had to pay great part of his Oude civil establishment, a large portion of the Haggoory troops, repairs of forts, military stores, public buildings, besides contingent balances arising from calamities of season, or extraordinary disorders in the country. Mr. L. had no doubt, that these several items would completely absorb this balance, and leave the nabob without the means of defraying any additional force, even from the revenues of all his dominions.—By the cession of one half of his territories, in lieu of every possible claim on the part of the company, he retained the other half free from all incumbrance, and was therefore, pecuniarily in a better situation than he was before he made this cession. In confirmation of this reasoning, Mr. Lushington called the attention of the house to the evidence of the vizier's own officer, major Ouseley, who had declared, in the presence of parliament, that 'the nabob is now happy 'and contented, eased of a burthen of a 'part of the country continually open to 'the Seiks and Mahrattas; his splendor, 'furniture, and houses, in a state infinitely 'more magnificent then they were before; 'for he has more opportunity of knowing 'what funds he can bestow on these 'things.' Such was the description given by major Ouseley of the nabob's actual condition: and the house would readily perceive that it was very different from that of a victim weighed down by oppression. Indeed, the conduct of the vizier, since that cession, had manifested an increased confidence, rather than any sense of injury or distrust of our government.—Mr. Lushington then proceeded to make some remarks upon the speech of an honourable member below him (Mr. Johnstone) who had asserted, that all the concurring evidence before the house, confirming the disorder and decay of the revenues of Oude, is not founded in truth; and that those revenues are in a state of greater prosperity than the revenues of Bengal, or even of the company's most fertile district Benares. In illustration of this assertion, the hon. member had read a statement, carefully prepared, of the number of square miles in the province of Oude, of Bengal, and Benares, and comparing the revenues of these several districts with the number of miles, he discovered that, for every square mile in Bengal, that there is a revenue of 32*l.*: do. Benares, 40*l.* 10*s.*: do. Oude, 51*l.* 10*s.*: that it was therefore quite clear that Oude is in a more flourishing state than Bengal or Benares. Mr. Lushington was perfectly astonished at this statement. Did not the honourable member know, that cultivation and population were the sources of revenue, and not the number of barren square miles? Great part of Bengal was occupied by forests and jungles. It might with as much reason be contended, that America, having more square miles than Great Britain, ought to produce more revenue. If this be the sort of knowledge which the honourable member possessed of India, Mr. Lushington was happy that his information of its revenues was of a very different nature. He would not, however, trespass upon the patience of this house, by enlarging more upon this calculation.—The same hon. member (Mr. Johnstone), who resided for some time in India, had also stated, that the fear of invasion from Zemaun Shah was an annual alarm; and that, after a particular season of the year, it passed away, and was no more heard of. It might be very well for that honourable member sitting in security in this house, to treat this danger with derision; but Mr. L. was not satisfied to form his judgment of this peril upon the present indifference of the hon. member's feelings. He chose rather to refer to the opinion of sir James Craig, who commanded upon the frontier on that occasion: and who, that is acquainted with the fortitude of that officer's mind, could believe him more likely to be influenced by a groundless apprehension than the honourable member, Mr. Johnstone? That gallant officer gave it as his opinion, at that dangerous moment, that an army of 20,000 men was necessary to repel what the hon. member was pleased to call an idle alarm: and, far from thinking Zemaun Shah was not likely to complete his expedition, he apprehended his army might reach the frontier before he was in condition to receive him; he feared that, by the celerity of his march, Zemaun Shah might anticipate our preparations.—Mr. Lushington here read sir James Craig's letters upon this subject; and he begged particular attention of the house to the first sentence, because it was too descriptive of the present disgraceful condition of this country. —Extract of a letter from sir James Craig, K. B. to the governor-general, marquis Wellesley, dated 13th Oct. 1798. 'They 'are quarrelling among themselves at 'Delhi, without seeming much to think of 'the danger with which they are threatened. The Attock is but about 400 coss 'from Delhi; a space that may, with the 'utmost ease, be marched in six weeks, 'and that without adverting at all to the 'celerity with which the Shah's army is 'reported to move. If (and it is no very 'improbable supposition), despising the 'Seiks, whose behaviour, in 1796, was nowise such as to give him cause to hold 'them in high estimation, the Shah should 'adopt a bold step, and, leaving a corps 'of troops to keep them in awe, he should 'move on with rapidity, in the view of 'anticipating the Mahrattas at Delhi, he 'may be there in a time that I almost 'tremble to think of. It is not utterly 'impossible, my lord, that he might anticipate our preparations.—I know not 'what to say with respect to the nabob's 'troops: I would be content that they 'should be useless, but I dread their being 'dangerous. Unless some step is taken 'with regard to them, I should be almost 'as unwilling to leave them behind me, as 'I should be to leave a fortress of the 'enemy. The nabob is highly unpopular, 'and, of all his subjects, I believe he 'would least expect attachment from his 'army.'—31st Oct.— 'With respect to 'his troops, he (the nabob) at once, and 'repeatedly, declared, that we must not 'think of deriving the smallest assistance 'from them;—that his army could not be 'depended on for any of their services. 'I ventured to ask, why he did not disband 'them; to which he made no answer. 'The nabob seemed to be under 'considerable apprehensions with respect 'to the Rohillahs, who, he repeatedly 'said, he had no doubt would take up 'arms the moment they could think themselves 'sure of support, by the Shah's approach. 'If it would be possible to ensure 'the Rohillahs' crossing the river, 'and joining the Shah, much as the circumstance 'would weigh in the addition 'of strength that it would give him, the 'mischief would nevertheless be trifling, 'compared to that which they may cause 'by assembling in our rear, and ravaging 'these provinces.' Such, sir, was sir James Craig's opinion of the hon. member's annual alarm: and who, that had ever read or heard of the murdering carnage which attended the former incursions into Hindostan, but must turn with horror from the recollection. Were the Afghans of the present day less ferocious, or less accustomed to the work of blood, than the Persians were at the periods alluded to? or, was the brother who succeeded Zemaun Shah likely to be more merciful than his predecessor? The passions of human nature were the same in all ages; and when the government over them was precisely of the same description, they would be demonstrated by similar actions under similar temptations. And here, a passage from history, describing the effects of such barbarous invasions, occurs to his memory. 'Wherever the invaders marched, 'their route was marked with blood. 'They ravaged or destroyed all around 'them; they made no distinction between 'what was sacred and what was profane; 'they respected no age, or sex, or rank: 'the more fertile and populous provinces 'were converted into deserts, in which 'were scattered the ruins of villages and 'cities, that afforded shelter to a few miserable 'inhabitants, whom chance had preserved, 'or the sword of the enemy, 'wearied with destroying, had spared.'—What, sir, were the temptations which the state of Oude held out to Zemaun Shah at this period? The house had the authority of the nabob himself for saying, that 'the organisation of the circar (state), 'which had, for a long period of time, 'been very loose and confused, was in the 'last degree ineffective and irregular:' that 'the approaching failure of the resources 'was to be ascribed to the precarious 'realisation of the revenues, and to 'the declining assets of the country:' and that 'for 24 years past, the administration 'of affairs in this country has been in a 'state of disorder.'—Did this state of Oude offer no temptation to the Afghans in their threatened expedition?—The hon. member (Mr. Johnstone) had given it as his opinion to this house, that the number of 40,000 Mahratta troops, commanded by a French officer (Perron), and having nearly 300 officers under his command, might as well have been called an English as a French force. Mr. Lushington had never heard a more absurd proposition. Had that hon. member, then, yet to learn the disposition of a Frenchman's mind? Did he not know that, in every clime and country, he was bent upon the destruction of our power and interests; and that, such was the malignity of his hatred, he would bury even this happy land itself beneath that wave where he now flees from our cannon.—It had been asserted in a former night's debate (by an hon. director, Mr. Grant), that the foreign and internal policy of lord Wellesley had been equally erroneous; that it had destroyed the confidence of surrounding states, alienated the affections of our native subjects, and placed our power in greater danger than at the time of lord Wellesley's arrival in India. In replying to these extraordinary assertions, Mr. L. wished to ask, at what period we had enjoyed the confidence of surrounding states? Did we ever possess the confidence of Tippoo, or his father Hyder Ally? Had the Mahrattas ever reposed in security, that we regarded only our commercial pursuits? Did Nizam ud Dowlah, at any period, feel disposed to trust to us? Was there any thing in the nature of our possession in India calculated to conciliate the confidence of surrounding states? Was not the whole derived from conquest; and was it not clear, that whenever our energy should relax, or the union of our power be disturbed, 'Nature, rising 'up, will claim her original rights, and 'destroy an unjust usurpation?'—As the best reply that Mr. Lushington could make to the unfounded statement of the hon. director, he would here briefly explain to the house what had been the policy of marquis Wellesley; he should speak on this subject with a confidence inspired by local knowledge of India, and a particular acquaintance with his lordship's principles and intentions upon his arrival in that country, having held the situation of private secretary to the governor of Fort St. George at that period. No man in that house, whatever might be his humanity, could more anxiously deprecate the necessity of calling the army into the field, than lord Wellesley did. The humane feelings of his mind would, at all times, lead him to resort to this extremity with the most bitter anguish; but at this period it was particularly to be dreaded, in consequence of the embarrassed state of our finances. He had, however, no choice:—his lordship saw, with a prophet's eye, the furies of war brooding upon the mountains of the Balagaut, pregnant with destruction to our power, and with misery to the unoffending people of the Carnatic. To guard against this calamity, there was a fancied balance of the powers of Tippoo Sultaun, of the Nizam, the Mahrattas, and the Company: but there was this remarkable circumstance in this balanced power, that we were always sure to have the most powerful member of it against us.—This balance of power was established by lord Cornwallis; but there was established, at the same time, the inevitable causes of its destruction. In wresting from Tippoo, in the year 1792, one-half of his dominions, we secured the implacable hatred of that prince, and every effort of his power and malignity to combine for our destruction. In favouring the establishment of French officers in the soubah of the Dekhan, we cherished a hostile force, which usurped the government of the Nizam, and held the power of that state ready to combine with Tippoo in subverting every object of the triple alliance. —Such was the state of India at the time of lord Wellesley's arrival. Tippoo was then meditating at what moment he should carry the calamities of war into the peaceful vales of the Carnatic; his hereditary malignity inflamed almost beyond his own bearing, by the loss of half his dominions conquered from him by lord Cornwallis. There was a French force controuling the councils of the dekhan; a corps officered by Frenchmen in the service of Scindiah was in possession of the person of the Mogul, the imperial city of Delhi, and the fortress of Agra; whilst Buonaparte, with a French army in possession of Egypt, had declared that India was his ultimate object. At this urgent moment the wise policy of lord Wellesley embraced the interests of his country in Europe as well as in Asia; and the vital principle which animated it was this,—that British India should assist us in resisting the overwhelming domination of France. Pursuing this principle with undaunted firmness, he subverted that French influence at Hydrabad, which we before had cherished; and he destroyed the power of Tippoo, whose hatred had been inflamed beyond the hope of change. He rescued the person and the city of the legitimate sovereign of Hindostan from the possession of France, and he drove back the Mahrattas to their proper boundaries, expelling all French influence from their councils and armies. Such have been the most prominent measures of the noble lord's external policy. In contemplating his internal policy, it would be found that his sagacity had not been less conspicuous, or his success less beneficial to his country. Lord Wellesley found the company under engagements to protect the native princes against all their enemies, with no security that the expences necessary to defray this protection would, in case of emergence, be available to the company. The past history of our transactions in India demonstrated to him, that it was vain to rely on the mutinous rabble, the uncertain and unwilling resources of those princes in a period of war. Hence he availed himself of every occasion to commute the subsidy, payable by those princes, for territorial possession, in every practicable instance; and assuredly there was no other basis of strength, confidence, and peace, to Great Britain in India.—Thus having explained to the house his sentiments upon some of those points of the foreign and internal policy of lord Wellesley in India which had been unjustly censured: Mr. Lushington would detain them but a few moments longer, in stating the effects of that administration upon our own countrymen there, and upon our native subjects. At the period of his service in India, which was during the administration of the noble lord, his power and vigilance pervaded every part of the government in all our possessions. Every servant of the company, however isolated or difficult his situation, however remote from the seat of government, felt that its care and influence watched over his person and proceedings. The harmony and vigour which animated every department of the state, prevented any serious consequences from the ambition of the domestic rebel, or the intrigues of foreign enemies—evils to which every government was liable. In these the mass of the people, and our seapoys in particular, took no part; but beheld with satisfaction an united government calling forth its energies to repress these evils, and subsequently acknowledged its justice in repairing the injuries arising from these accidental causes.—But what a change had succeeded! a system of accusation and unfounded suspicion at home had relaxed the vigilance and undermined the power of the governments abroad, and had infused doubt and distraction where the noble marquis had established confidence and strength. In addition to this, an absurd fanaticism seeking to change that religion which an almighty Power had suffered to subsist for so many ages, unhurt by the sanguinary power of the mussulman, or the disgusting bigotry of roman-catholic zealots, had been used as a pretext to loosen the allegiance of our native subjects, and to alienate the affections of our native seapoys. Every settlement, and every battalion, in India, saw with indignation him whom they had regarded, and proclaimed to his ungrateful country, as an example of public honour and exalted service, the selected object of slander and accusation in this country: and Mr. L. affirmed, from communications with India, that the most meritorious servants of the company knew not by what rules or motives to regulate their conduct;—their spirit and emulation, founded upon the consciousness of their virtues and talents, had been nearly extinguished by this national disgrace.—He trusted however, that there was yet time to correct this evil. He had the greatest reliance on the elevated sentiments of the public servants in India: he knew with what joy they will hail that interposition of wisdom in this house, which by the act of justice about to be performed to the noble lord this night, should reassure their confidence and re-establish our strength in India. The smallest reflection upon the nature of that strength, ought to check that desperate folly which seemed to delight in distracting the functions, and in dilapidating the authority, of our government; and which, if suffered to proceed in its present career, would precipitate the calamitous period of British India. Before Mr. L. concluded, he intreated the house to consider what had been the condition of British India at this exigent moment, when the union of France, Russia, and Persia threatened our empire with invasion, if the implacable hatred of Tippoo had still animated the power of Mysore—if the soubah of the Dekhan had still been under the controul of a French force—if French-Mahratta troops had still hung in defiance upon our unprotected frontier—if the dominions of Oude had still been filled with 65,000 disorderly disaffected soldiers—and if we had still relied, for the support of our own army, upon the resources of a state in the last stage of weakness and decay.—Mr. Lushington could not reflect upon the events which had removed these mighty dangers, without a mind filled with gratitude to the noble marquis: a gratitude founded on public affection alone; for the only favour he had ever sought from the noble lord was peremptorily refused: it was refused, however, from such public motives, that he could not but respect the principle of the denial. The house might, therefore, be assured, that the opinions which Mr. Lushington had taken the liberty of stating to them, were the unfeigned feelings of his mind, and that he should be at all times prepared to avow and to verify them. He trusted however, that the cloud which had too long obscured the great and splendid services of the noble lord, would now be dispelled; and that a day of justice and retribution would succeed a long night of darkness and ignorance.

Sir *James Hall* observed, that the charge before the house was defective in one very important circumstance which seemed to have escaped observation. Lord Wellesley is charged with having greatly injured an individual; but this individual has never complained. Saâdut Ali, the nabob of Oude, has sent no remonstrance to the British government, though that measure was suggested to him by a person who undertook to become his agent, and he rejected the proposal *in toto*. It may, indeed, be alledged, that this conduct was the result of fear, lord Wellesley being then in power; but soon afterwards the marquis came home, and the politics of India assuming a new face, the nabob could have been at no loss for friends to urge his suit and bring forward his remonstrance, had he really thought himself injured. But the truth is, if we may trust the evidence delivered at the bar of this house, that Saâdut Ali had no inclination to complain, nor any cause of complaint. It is true, that the territory over which he seemed to reign was greatly curtailed; its extent being reduced, in fact, to one half, and that much against his inclination at the moment; but the circumstances of the transaction were such as to add greatly to his comfort; for being relieved from the burden of a heavy tribute, and from the expence of maintaining a great army, his net annual income was left as great, at least as before, being to the amount of 1,200,000*l.* sterling yearly, free from all charges, and perfectly at his own disposal.—His political consequence may seem to have been impaired; but he had, in reality, nothing political to lose. The documents before the house sufficiently prove that the nabob of Oude, as well as all these protected princes of India, possess only an apparent sovereignty; that they have been raised to this elevated station by us, merely to serve our own purpose, to overawe the natives, and to facilitate the collection of the revenues; that without the assistance of our military force these princes could not maintain their station for a single month; that though treaties have been entered into with them worded in the language usually employed between equal and independent states, these seem, by mutual understanding, to have been considered as nugatory, and have been disregarded by every successive governor-general, whenever they stood in the way of the public service.—Some very striking anecdotes, stated in evidence by major Ouseley, shew clearly that Saâdut Ali himself, after the first shock was over, which his pride underwent during the arrangement at Lucknow, saw the matter in the same light. These anecdotes prove, not only that he acquiesced, but that he acquiesced cheerfully in all that had been settled. Sir James H. stated that with no bias in favour of the noble marquis, he had felt himself called upon to look, for the first time, into the affairs of India, in order to form an impartial judgment on the question before the house. In examining the secret correspondence carried on between Lucknow and Calcutta during the negotiation which ended in the arrangement of 1801, he had met with very ample confirmations of the favourable opinion, entertained by the public, of lord Wellesley's talents; and he found at the same time, what the public voice had not led him to expect, that in carrying through these measures with firmness and sometimes with severity, the marquis never lost sight of what could tend to conciliation; that when the points, essential to the public service, were gained, he exerted himself strenuously and effectually in rendering the changes palatable to the nabob himself, to his family, his nobles, and his disbanded army. So for therefore from having incurred blame by his conduct in Oude, lord Wellesley appeared to have a double claim to the thanks of his country, by achieving the most arduous public services, and by, at the same time, healing those wounds which great political changes and revolutions, however beneficial to the public, seldom fail to inflict on individuals.

Lord *Castlereagh* thought the question now before the house of such importance, as to interest the feelings of every member. The chief object of the resolutions moved by a noble lord was to impeach a distinguished character not in that house. The noble marquis who was the object of these resolutions, had received great honours, both from his majesty, from his country, and from the court of directors, for the very same conduct which it was now wished to make the ground of parliamentary censure. The noble marquis was charged with crimes of no common magnitude, he was charged with tyranny, breach of treaty, and contributing to throw a stigma of reproach upon the British character. These were charges which he believed were entirely unfounded in truth, and incapable of proof. He considered the noble marquis had a right now to expect the decision of the house. The business had already been 3 years under discussion. He did not mean, however, to say that any unnecessary delay had taken place. The papers connected with the business were so volumnious, they required a considerable length of time to be got in readiness, and the house could not be called upon to the evidence, till they had had time to canvass and examine it. Gentlemen on the other side of the house seemed to mistake the real situation of the prince of Oude. They considered him as completely independent of this country. But, this was not the fact. He was a protected prince, living under the protection of G. Britain. By the treaty concluded by sir John Shore, G. Britain had a right to interfere with the internal concerns of Oude; and in all the proceedings of marquis Wellesley, there was nothing contrary to existing stipulations, which had been said respecting encreasing the subsidy paid to this country: but he found nothing in this particularly applicable to the noble marquis. Since the year 1773, to the year 1798, alterations had been made seven times in the amount of subsidy paid by the nabob of Oude. In the year 1773, he paid yearly the sum of 300,000*l.* and in the year 1798, he paid the increased yearly sum of 900,000*l.* But gentlemen would observe, that the expence incurred by the company in defence of the province, had also of late years greatly increased. He considered the defence of Oude, and of our East India possessions, as one and the same thing. When marquis Wellesley arrived in India, he wrote the court of directors the plan of the conduct he meant to follow. This letter lay upon their table; and if the court had disapproved of his intentions, would it not have been but justice both to themselves and to the noble marquis, immediately to have sent him notice. The miseries which have existed in our East India settlements, he considered to have sprung in a great measure from pecuniary subsidies, of which he completely disapproved. Territorial subsidies he considered much less oppressive in their effect. The company had at the present time, 69,000 men for the defence of Bengal, and 40,000 in the Doab, or on the banks of the Ganges, for the defence of Oude. Objections had been stated to our introducing troops into Oude, as if contrary to treaty; however, the papers before the house shewed that it was not so. He maintained that the nabob of Oude was in a better situation now than before the late arrangements. His dominion was fixed, and the subsidy payable to the company was not liable to be increased by contingencies. He concluded, by saying, he thought some of the resolutions moved for by the noble lord so much like to truth, and some of so frivolous a nature, he should wish to get rid of them, not by a negative, but by moving the previous question. The last resolution, however, he considered extremely objectionable, and would give it his negative.

Mr. *Robert Thornton* said, he could not in all points in this question, join speakers on either side. He would endeavour to express his private sentiments upon the question, in as few words as possible. When the noble marquis went to India, as governor-general, the yearly revenue amounted to 7,000,000*l.* when he left it, the revenue amounted to 15,000,000*l.* This was doubling the revenue certainly, but it was necessary also to look to the increase of debt during the time of his governorship. When he went to India, the debt owing by the company amounted to 10,000,000*l.* when he left it the debt amounted to 30,000,000*l.* This was, he must say, a vast encrease of debt in a few years. As to cession of territory in the form of subsidy, this he thought justifiable, or otherwise, according to the manner in which the cession was made. But he thought cession of territory most unjustifiable, if contrary to the sacredness of treaty. The noble marquis could not, he was sorry to say, be complimented on his having followed the example of our most gracious sovereign, in imitating him in noble generosity and moderation towards weaker powers; and, however he might approve of the war with Tippoo, he could not but condemn the conduct of the noble marquis in violating the treaty of Oude. It had been asserted, that the vizier was frequently drunk, and was incapable of taking any proper management; but he would assert that the noble marquis also had been drunk with ambition, and ought to be checked, however much he might admire the extraordinary talents of the marquis on many occasions, in which he deserved commendation.

On a cry of question, Mr. Biddulph moved the adjournment of the debate till Friday. Several observations were then made by different members, and Mr. Whitbread remarked, that he was sorry to see the temper of the house so inimical to listening to his hon. friend who had just sat down, as he would have thrown great light on the transactions of India; but he was determined to oppose the adjournment. The Speaker then put the motion; on the division, there were 37 for and 196 against the motion. On entering the house we found Mr. Sheridan on his legs, stating, that he understood, that instead of the original debate, a very extraordinary motion of thanks was to be proposed by an hon. friend to the marquis Wellesley. The whole he had heard in defence of the noble marquis, did not appear to him to justify such a measure; and more particularly so at this period of the night, as it would occasion the whole grounds of the debate to be again gone over.

Lord *Milton* said the house ought to be cautious how it gave its censure or thanks; it was to be remarked, that it was considered to be the policy of our government, and also that of the East India Company to look to commerce, and not to the acquisition of territory; on this ground he would give his vote.

Mr. *Whitbread* said, he was astonished at the conduct of the friends of lord Wellesley, who had rested their defence upon the policy of the noble marquis, and not upon the treaty. The injustice was too strong to forego examination. For what was the case? Lord Cornwallis had left our possessions in India in a flourishing state. The noble marquis had, by his conduct, destroyed what lord Cornwallis had effected, and had left the country in the greatest distress. So much so, that had some bullion not arrived at the same time with his lordship, when he went again to resume the command, there would have been no funds for the exigencies of the state, nor money to pay the troops. He contended that we had violated the treaty of Oude, as by that treaty we had acknowledged the independence of that country, and could not, without injustice, seize upon the territory. He would go the full length of the Resolution, and the motion upon it.

Earl *Temple* defended marquis Wellesley from the unfounded calumnies circulated against him. He compared his administration with that of marquis Cornwallis and lord Teignmouth, in order to show that they all interfered alike, and considered Oude as dependent upon the company. He would not only vote against the Resolution, but for the motion of sir J. Anstruther.

Mr. *Morris* acknowledged that the treaty was violated, but asserted it was owing to the failure of the nabob to pay his kists; he would therefore vote against the Resolutions.

Lord *Folkestone* denied that ever the nabob failed in his payment, and replied to the arguments on that side at consideable length.

The house then divided,

For the Resolution - - - 31
Against it - - - - - 182
Majority - - —151

List of the Minority.

Antonie, W. Lee
Astell, W.
Babington, Thomas
Brand, hon. T.
Burdett, sir F.
Byng, George
Campbell, lord J.
Cavendish, lord G.
Cavendish, G. H. C.
Combe, Harvey C.
Fitzgerald, M.
Grant, Charles
Howorth, H.
Hughes, Wm. L.
Johnstone, George
Lambton, R. J.
Lloyd, sir Edward
Lushington, Stephen
Lyttleton, hon. W.
Madocks, W. A.
Milton, lord
Sheridan, R. B.
Smith, George
Smith, Wm.
Smith, Hugh
Thellusson, George
Thornton, Robert
Tracey, Hanbury
Turton, sir T.
Wharton, John
Whitbread, Samuel

Tellers.

Folkestone, lord
Creevey, Thomas

Sir *John Anstruther* then moved, "That it appears to this house, that the marquis Wellesley, in carrying into execution the late arrangements in Oude, was actuated by an ardent zeal for the public service, and by the desire of providing more effectually for the prosperity, the defence, and the safety of the British territories in India."

On this motion the house divided,

For the Resolution 180
Against it 29
Majority . . . . —151

HOUSE OF LORDS.

Wednesday, March 16.

Orders in Council Bill.] The order of the day was read for resuming the adjourned debate on the motion of lord Grenville, for rejecting the Orders in Council bill.

Lord *Grenville*, having on a former evening stated his reasons for moving the rejection of this bill, declined again urging them, but trusted to the indulgence of their lordships to allow him to reply to any arguments that might be urged in the course of the debate.

Lord *Hawkesbury* objected to the strictness of construction given to the Standing Order by the noble lord, on a former evening, and contended, that the practice of the house was in direct opposition to the principles urged by the noble lord in support of his motion. His lordship quoted several precedents in support of this proposition, some of them in the reign of queen Anne, soon after the passing of the Order; some in the beginning of the reign of his present majesty, and others of recent date, consisting of Bills of Aid and Supply, which contained clauses either not necessary to the object of the bill, or foreign to and differing from the purpose of the bill, and which were, notwithstanding, agreed to in that house. One instance he quoted was, the Act for carrying into effect the commercial treaty with France, on which a question of rejection on the Standing Order was moved in that house, and negatived. In the Annual Malt Bill, and in the Irish Stamp act passed in 1803, clauses were contained foreign to their purpose. His lordship entered into a detail of these precedents, for the purpose of proving the practice of the house to be in opposition to the noble lord's construction of the Order; and then went through those clauses of the Bill to which objections had been taken, contending, that in no instance could they be considered as bringing the bill within the meaning of the Order. Most of the clauses objected to were, in his opinion, evidently growing out of the bill, as a bill of Aid and Supply; and with respect to the limitation of action, on which most stress had been laid, he denied, that it at all contained an indemnity for issuing the Orders in Council; and that the question of legality might still be tried, although this clause was agreed to. He urged, that it would be unjust to apply the Order to this bill, after a continued practice of a contrary tendency so clearly proved, that the intention of the Order was to apply it in cases where there was an evident intention on the part of the commons to better the discretion of that house, by annexing clauses to Money Bills foreign to their purpose; that a general application of the Order would defeat the object of it; and that it could not, in any fair or just view of the case, be applied to the present bill.

Lord *Erskine* contended, that whatever the practice of the house might have been, it could not set aside the written Orders of the house; practice might decide with respect to unwritten law, because, in that case, the decisions upon the subject declared the law, but where there was a written statute, no practice could set it aside; the written law remained to be referred to, and to shew the course to be pursued. Thus it was with the Standing Order; and he could not conceive what the noble lord meant in arguing that the general application of the order would defeat its object. Was it to be argued, that an order general in its nature, and clearly stating its object, was only to be applied to particular instances, or was it to shew what instances it ought to be applied to? Either it ought to be applied according to the terms of it, as distinctly stated, or else it ought to be repealed. The precedents quoted by the noble lord were either not in point, as proving only that clauses inserted in bills contrary to this order, had been unnoticed by the house, or else they proved too much; for if they were to be taken as declaring the sense of the house upon this subject, then there was an end of this Standing Order. There were however two instances of recent date in which the house had acted upon this Order, the one in 1789, when lord Thurlow was chancellor, when a bill of Aid and Supply was rejected as containing clauses foreign to its object; and the other in Jan. 1807, when he had the honour of sitting on the woolsack, and of pointing out to the house the necessity of enforcing their Standing Order. As to there being no indemnity contained in the bill, he thought, on the contrary, that if it passed, and supposing the case of ministers being impeached for issuing the Orders in Council, that that house could not, after passing this act as it now stood, find them guilty. His lordship went through those clauses of the bill which were adverted to on Monday evening by lord Grenville, and contended that they were foreign to and different from the object of the bill, as a bill of Aid and Supply, and therefore that the bill, in conformity with the express words and meaning of the Order, ought to be rejected.

Lord *Mulgrave* insisted that a rule of the house, like a law, in courts of justice, might be explained by long practice. He perfectly concurred with the argumentative speech of his noble friend, the secretary of state; and trusted that their lordships, always regardful of their own privileges, would not, from any mistaken notions in point of form, delay a bill of the highest importance to the welfare of the British empire.

Lord *Holland* animadverted on the speech of the noble lord who spoke last, who, he said, had repeated more feebly the arguments of the noble secretary of state. He said the instances adduced in explanation of the order were not contemporaneous with it, that they were eight or ten years posterior, and that the example of the 9th of queen Anne, on which so much stress had been laid, was after lords Somers and Cowper had left the woolsack, and the seals were in commission; so that it could not be supposed the house could receive the able assistance to which it had been accustomed, for the preservation of the respect due to the Standing Orders.

Lord *Harrowby* contended for the interpretation of the Order as evinced in the practice of the house, immediately subsequent to passing it, as well as in bills of more recent date.

Lord *Sidmouth* said, that it was necessary to say a word or two upon the origin of the Standing Order which had been read. During the reigns of Charles II. and William III. in the progress of half a century, numerous attempts had been made by the house of commons to introduce into the house of lords objectionable measures, by connecting them with Money Bills; so that unless their lordships condescended to such measures, the aids for the service of the state were refused. Urged by this endeavour, the house of lords, for the preservation of its own independence, entered on the Journals this Standing Order, and when so adopted it must either be obeyed or repealed. The order itself might require some explanation. The Money Bills therein referred to were easily distinguished: they always originated in a committee of ways and means, as did the Bill now under consideration: they had the preamble, in which the name of the lords' house was excluded, as in this Bill; and when the royal assent was given, it was not 'le roi le veut,' but 'le roi remercie ses bons sujets, accepte leur benevolence, et ainsi le veut;' and so it would be given to this Bill, if it proceeded to that state of maturity. The instances adduced ought to be Money Bills of this description; and if they were not, the Standing Order had no reference to them whatever. Trying, then, the examples or precedents stated by this test, he found that out of eight submitted to the attention of the house, only two or three in the course of a century were applicable to the purpose to which they were referred. If their lordships regarded their own consistency, independence, and dignity, he thought they could not dispense with the Standing Order on the present occasion, and that the Bill must be rejected.

Lord *Melville* contended, that the practice of the house ought to be taken as the interpretation of the Order, and that therefore, even upon this ground, the bill ought not to be rejected. He had, however, examined the bill, and had put the question to himself, whether there were any clauses in it which were foreign to, or different from its object as a Bill of Aid and Supply, and in his conscience he believed there were no such clauses.

The Earl of *Lauderdale* contended, that no argument had been advanced by the noble lord, to shew that the last clause in the bill, that of indemnity, was a natural part of the bill of Aid and Supply. The noble lord had advanced no reason that could convince any man; he had made it a matter between himself and his conscience—and his conscience was satisfied; but he had not satisfied the understanding of noble lords who heard him.—The noble earl went over the other regulations of the Bill, to shew that they were now totally unconnected with the Supply; and appealed to the noble and learned lord on the woolsack, whose peculiar duty it was to watch over the Orders of the house, to say whether this important Order of 1702 would not be totally violated if they entertained this Bill?

Lord *Grenville* began by expressing his surprise, that upon a question of this nature, the house had not yet heard the opinion of the person whose duty it more peculiarly was to study, to explain, and to enforce those Standing Orders which were enacted for the regulation of its proceedings, and which were as binding upon it as the laws of the land were upon the courts below. That a Standing Order of the utmost importance was, in the instance under consideration, attempted to be violated, the noble lord endeavoured to prove, by shewing, that several of the clauses were foreign to, and different from the matter of a bill for Aids and Supplies. For this purpose, he referred particularly to those clauses which prescribed commercial regulations. Upon the merits of the bill itself the noble lord animadverted with his usual ingenuity and force. Under the terms of the clause which related to the East India Company, he contended that they could not dispose of any goods whatever for home consumption. But the most objectionable feature in the measure was that provision by which ministers were enabled to exempt any merchant from all its operations upon such conditions as they might think proper to settle. The idea of investing any ministers with such an extraordinary discretion, appeared to his mind utterly irreconcileable with the freedom of commerce. It would indeed go to arm them with such a degree of power over the mercantile body, as never was assumed or possessed by the most despotic government upon the subject of commerce. He could not, in fact, conceive how the character of commerce could consist with such an arrangement. From this point, the noble lord proceeded to comment upon the clause, limiting prosecutions against those who acted under the Orders in Council. This limitation was so contrived both as to time and place, that any person who might have cause to complain, or spirit to appeal against any illegality in these orders, or any injustice in their execution, was intirely precluded from the possibility of obtaining redress. The noble lord concluded by declaring his opinion, that the adoption of the bill before the house must lead to inevitable ruin.

The *Lord Chancellor* asserted, that no part of the bill before their lordships was inconsistent with the Standing Order alluded to by the noble lord who had just sat down. On the contrary, he maintained, that the whole stream of their lordships' proceeding, for a series of years, was in direct conformity to the practice objected to by the advocates for the motion. This was his opinion at the time the noble lord first stated his objection, but yet he thought it becoming in him to postpone the declaration of that opinion, until he should have heard all those noble lords who were disposed to speak upon the question. That course, he perceived, had exposed him to some animadversions, in the course of which it had been observed, that where a man who held a judicial situation doubted, he was unfit for that situation. Now, his opinion was directly the reverse of that observation; for he thought the man who entertained doubts in a judicial situation was the most fit for such a situation.—The noble lord entered into an enumeration of the several precedents referred to by the advocates of the motion, and contended, none of them in any degree bore on the conclusion which those noble lords would deduce from them. There was not, he maintained, a single provision in the bill upon the table which was not in strict alliance to and in pursuance of its main object. Therefore it could not be held, that it contained any thing foreign to and different from a bill of Aids and Supplies. So thinking he could not of course agree in the notion, that their lordships would in passing such a bill infringe the letter or spirit of the Standing Order alluded to. Indeed clauses directly similar to these, objected to as inconsistent with a bill of Supply, were to be found in almost every bill of that nature upon the Statute Book.

Earl *Grey* said, that the cases cited by the noble lord on the woolsack did not seem to him to warrant the opinion his lordship had delivered, and he believed that many cases might be found in the Journals of the house that even justified a contrary opinion, He would therefore propose that a committee of precedents should be appointed to select such cases as might be found applicable to the matter then under their lordships consideration, and then the house could more easily judge from those cases than from the partial ones produced during the debate.

Their lordships then divided on lord Grenville's motion, for rejecting the bill.

Contents...... 25...Proxies ... 34— 52
Non contents . 66...Proxies ... 63—120
Majority .... ——70

[PROTEST AGAINST THE ORDERS IN COUNCIL BILL.] The order of the day being read, resuming the adjourned debate on the motion to reject the Bill entituled "An Act for granting to his majesty until the end of the next session of parliament, Duties of Customs on the Goods, Wares, and Merchandize herein enumerated, in furtherance of the provisions of certain Orders in Council." The Standing Order No. 25. was read after long debate.—The question was put, whether the said Bill shall be rejected; it was resolved in the negative.

"DISSENTIENT: Because the annexing any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to, and different from the matter of the said Bill of Aid or Supply, is unparliamentary, and tends to the destruction of the constitution of this government.—Grenville, Vassal Holland, Cawdor, Lauderdale, Auckland, Ponsonby, Grey, Carysfort, Erskine, Jersey, Spencer, Nugent, (Buckinghamshire,) Cholmondeley, Crewe, Clifton, Stafford, Ponsonby, (Imohilly,) Albemarle, Cowper, Essex."

"DISSENTIENT: 1st, Because, such has been the anxiety to maintain inviolate the true spirit of the Standing Order of this house, No. 25, declaring 'The annexing any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to or different from the matter of the said Bill of Aid or Supply, is unparliamentary, and tends to the destruction of the constitution of this government:' that Bills not of Aid or Supply, if they contained a clause imposing a duty upon his majesty's subjects, have been recently rejected, on the ground, that regulation, though not altogether unconnected with the purpose for which such duty was imposed, might be considered as foreign to and different from the aid given to the use of his majesty by such clause.—For we observe in the entry on the Journals of this house, on the 3d of Aug. 1807, that a bill entituled 'An Act for abolishing fees received by officers in the service of the customs in the several ports of Ireland, and for making compensation to the said officers, and for regulating the hours of attendance, and the number of holidays to be observed by them,' was, after reading the said Standing Order, rejected; the following lords being that day marked as present.—The duke of Cumberland, lord chancellor Eldon, the duke of Portland, viscount Melville, lord Redesdale, lord Erskine, viscount Sidmouth, Longueville, bishop of Oxford, archbishop of Canterbury, earl of Cholmondeley, Selkirk, Balcarras, Glasgow, Graham, Buckinghamshire, Grosvenor, Kingston, Limerick, Normanton, viscount Carleton, lord Napier, Holland, Walsingham, Hood of Cath, Arden, Rawdon, Lauderdale, Boringdon, Douglas of Lochleven, Stewart of Garlies.—2d, Because it appears to us, that the Bill entituled 'An act for granting to his majesty until the end of the next Session of Parliament, Duties of Customs on the Goods, Wares and Merchandize herein enumerated, in furtherance of the provisions of certain Orders in Council;' the motion for the rejection of which has been negatived by this house, is a Bill of Aid or Supply, and that it contains, 1. A clause, which as it at present stands, clearly prohibits the merchants of England trading to the East Indies, from selling any of the goods or merchandize they may import, and compels them on bringing any of the said goods or merchandize into this country, to warehouse them under the king's lock for re-exportation. 2. A clause, for taking off, in certain cases, a duty of two shillings a ton, imposed on ships of the United States of America, by the act of the 37th of his majesty's reign. 3. A clause, enacting that no action or suit shall be brought or commenced against any persons for any thing done in pursuance of the Orders in Council, of the 9th and 25th of November, 1807, except such action be commenced within three calendar months after the fact committed; and many other clauses which are stronger and more direct violations of the said Standing Order, than any thing contained in the bill rejected on the 3d of August, 1807. 4. Because, when we reflect, that the bill rejected on the 3d of Aug. 1807, purports to be a bill for establishing Regulations tending greatly to the benefit of the fair trader and the security of the Revenue; and that the bill now under the discussion of this house, is a bill which appears from the votes of the house of commons, to have been complained of by numbers of petitioners, as destructive of trade and revenue, we cannot conceive any reasonable ground why this house should now disregard a Standing Order, which is of such fundamental importance to the preservation of the constitution, and which it has on all occasions, particularly in the instance above referred to, shewn so much anxiety to enforce, whenever any attempt to contravene it has attracted attention.—We are therefore apprehensive, that this departure from the established principle and recent practice of the house, may be suspected to have proceeded from a desire to hurry through parliament this complicated and dangerous measure, which threatens the destruction of our commerce, and to prevent the people of this country from being heard against the provisions of a bill, which may prove ruinous to their most valuable interests. Lauderdale, Spencer, Grenville, Auckland, Essex, Grey, Vassal Holland, Cowper, King, Jersey, Stafford, Erskine, Cawdor, Cholmondeley, Crewe, Clifton."

HOUSE OF COMMONS.

Wednesday, March 16.

[SUSSEX ELECTION PETITION.] Sir *A. Piggott*, pursuant to notice, rose to move, that the petitioners who prayed by petition, yesterday, to be admitted as parties to defend the seat of Mr. Fuller against the petition of Mr. Sergison, the defence of which had been abandoned by the sitting member, do, on or before the 21st of March, exchange lists with the original petitioner, of the persons whose votes were to be objected to, together with the several heads of the objection against the names of each person intended to be objected against, to be delivered to the agent or agents of the respective parties. The petition of Mr. Sergison, he observed, was ordered to be taken into consideration on the 24th, and the Election Judicature bill enacted, that petitioners claiming to be heard as parties in defence of an abandoned seat, were to be considered, to all intents and purposes, in the place of the sitting member. As the resolutions of the house, therefore, required that lists of objectionable votes should be exchanged between the sitting member and the petitioner against his return, within a reasonable time, he trusted that the house would, in this instance, see the necessity of appointing some day for the exchange of such list between the original petitioner and the parties who had succeeded to the place of the sitting member in the defence of the seat. He should therefore move, that the said lists be exchanged on the 21st instant.

Mr. *Huskisson* thought that the house had to consider two points upon the present question; 1st, Whether it was competent to the house to fix any day for the exchange of the lists demanded; and 2dly, whether there was sufficient time for so doing. The petition against the election of Mr. Fuller, had been within the proper period presented in last session, and had been regularly renewed in the present. It was not the duty of the sitting member to call for any exchange of lists, and the petitioner had neglected to do so until the sitting member had declared his intention to abandon the defence of the seat, which was on the eve of the day on which the petition was ordered to be taken into consideration. If the sitting member had persevered in the defence of his seat, no lists could be exchanged, because a motion to that effect could not be made without notice; and the house was aware that, as no such notice had been given before the eve of the day for taking the petition into consideration, it could not be available if given on that day, because the ballot for the committee must precede all other business on the subsequent day. As the petitioners, therefore, were by the act placed, to all intents and purposes, in the place of the sitting member, and no lists could be demanded under these circumstances from the sitting member, he contended that no lists could, according to the provisions of the act, or the usage of the house, be demanded from the petitioners. They were required to defend the seat only against the other allegations of the original petition, and were not obliged to enter into any scrutiny of objected votes. The house, too, would do well therefore to reflect, as to the second question, respecting the time now remaining for exchanging, what a situation they would place the petitioners in, if they should call upon them within three days from this day to exchange lists of a poll that lasted 15 days, in a county 80 miles long, and in which 8000 electors had polled. The petitioners too had had the opinion of very eminent professional characters to direct them in the course they had taken, and the impression they entertained, that they should not be called upon to give or exchange lists.

Mr. *Tierney* did not pretend to be lawyer enough to determine how far the opinion of the counsel alluded to by the hon. gent. was correct; but of this he was certain, that if the house consulted its own honour, it would not give effect to the present attempt. It was well known a month before Mr. Fuller gave in his declaration in writing, that he did not intend to defend his return. It was natural therefore for col. Sergison to say, 'Why should I put myself to expence, or the house to trouble, till I see if any other person will undertake to defend the return? If the freeholders do so, I know I have 30 days within which to demand an exchange of lists.' The effect of precluding col. S. from this right, would just amount to this; that a sitting member, against whom a petition was presented, had only to allege his resolution not to defend his seat; give in a declaration to that effect, immediately before the day fixed upon for the ballot; and prevail on a freeholder to step forward and ask leave to defend the return; thus the petitioner complaining of his return would no longer be at liberty to attack him, and the house itself would be made a party to the imposture.

Mr. *C. Wynne* thought the present a question of considerable importance. It had occurred rather unexpectedly, and therefore, he wished the debate on it postponed till to-morrow, that gentlemen might be better prepared on the subject.

The *Chancellor of the Exchequer* had no objection to indulging the hon. gent. with the delay proposed. As to the point itself, however, he had no doubt. The question was simply this; should col. Sergison stand in a better situation now, than if Mr. Fuller were himself defending the return? If Mr. F. had not declined, col. S. not having in due time applied for an exchange of lists, could not afterwards have insisted on it.

Mr. Ponsonby and sir A. Piggott resisted the position that the petitioner against a sitting member was not, at any time before balloting for the committee, entitled to an exchange of lists: such exchange was made partly for convenience, and partly for the dispatch of business; and even if omitted to be applied for in that house, or there refused, the committee had a right to inquire into the legality of votes, and even to order the exchange of lists; they being by their oaths required to declare the person having a majority of legal votes duly elected, not to exclude all evidence on the subject.—After some farther discussion, the debate was adjourned till to-morrow.

[Orders in Council in Ireland.] Lord H. Petty begged to know when it was the intention of ministers to bring in the Bill for carrying into effect the Orders in Council in Ireland?

Mr. *Foster* declared, that as the bill for Ireland was to be the same in every respect with the bill for carrying into effect the same Orders in Council in this country, he only waited to know finally what the regulations of the bill for this country would be, in order to bring forward the bill for Ireland.

Mr. *Tierney* observed, that as the bill was to be founded on the resolution of the committee of ways and means, which had passed some time since, there was no occasion for delay in bringing it forward. Whatever alteration might be made in the bill for this country, the resolution upon which the bill for Ireland was to be brought in was clear, and there was no reason whatever for waiting for any changes or regulations which might be made in another measure in another place.

Mr. *Foster* replied, that he should undoubtedly bring forward the bill founded on the resolutions of the committee of ways and means, and with such provisions and regulations as should appear to him most likely to be effectual for the collection of the duties to be imposed by the bill.

The *Chancellor of the Exchequer* said that gentlemen on his side of the house were anxious to bring in the bill in question as early as possible. If gentlemen on the other side were surprised at the delay which had taken place in doing so, he must be allowed to be equally surprised that they should now regret any delay which took place—delay having hitherto been so much their object.

Several gentlemen rose at once, and, amongst others, Mr. Tierney, who proceeded to address the house, but was called to order by the Speaker, who submitted that there had been no question for some time before the house.

Mr. *Foster* rose, now that this conversation was finished, to move the order of the day for the house going into a committee on the Fourth Report of the Commissioners of Enquiry in Ireland.

Mr. *Tierney* wished still to be heard on the former subject.

The *Speaker* informed the hon. member, there was now a question before the house on which he might be heard.

Mr. *Tierney* then observed, that he should take the opportunity of calling the attention of the house to the manner in which he had been prevented from replying to a personal observation made upon him.

[King's Message respecting Sweden.] The house having resolved itself into a committee of supply, and his majesty's Message being referred to the said committee,

Mr. Secretary *Canning* said, that as he did not expect that any opposition would be made to the proposition which he should have the honour to make, he did not think it necessary to preface it with many observations. He should, therefore, simply mention the circumstances connected with the subsidy stipulated to be granted to the king of Sweden, together with the grounds on which the engagement had been entered into, trusting that the liberality and wisdom of the house would enable his majesty to make good these engagements. The fidelity and steadiness of the king of Sweden in adhering in every circumstance, and under every change of fortune, to his connection with this country, was matter of universal admiration. It was true, that the circumstance of this fidelity, exciting admiration, was not of itself a sufficient ground on which to grant pecuniary assistance. But the fact was, that the former treaty of Subsidy which had for its object the defence of Pomerania alone, expired as soon as the king of Sweden withdrew his force from Germany. The engagements which it contained were formed with a view to his co-operation with this country and the other powers of the north of Europe in that particular spot, and this force having been withdrawn in the month of Oct. last, the arrears of subsidy were paid up, and from that time down to the signing of the late treaty, his Swedish majesty had neither asked nor received any pecuniary succours from G. Britain. In the interval, a case had arisen in which his Swedish majesty had been called on, not merely to conclude a peace with France, but to join the confederacy against this country; which proposition he had not hesitated to reject, and, in consequence of the rejection of this proposition, he was now placed in the situation of being obliged to defend his own dominions. In these circumstances, this country, he thought, was bound by every consideration, whether moral or political, to come forward to his aid, and trusting that upon this general proposition there would be no difference of opinion, he should simply state the engagements that had been contracted. In the greater number of treaties of subsidy which had been contracted with foreign powers, the subsidies had been granted to procure the active co-operation of such powers in carrying on offensive hostilities against the common enemy. But in the present case, certain pecuniary succours were stipulated to be granted to a power not for the purpose of achieving conquest, but to enable that power to defend its own dominions, which were attacked in consequence of its steady attachment to British interests. Such a treaty of subsidy was not, however, unprecedented in its nature. A similar subsidy had been granted to the king of Prussia in the 7 years war. In other treaties of subsidy it had been usual to stipulate the amount of the force to be employed by the power subsidized, and the particular periods at which that force was to be brought into the field. But in the present case, as well as in the treaty of subsidy with the king of Prussia, to which he had just referred, it had been thought unnecessary to clog the treaty with any such stipulation. The only difference there was between the present treaty and the model on which it was formed was, that in the present instance government had reserved to itself a power of controul, by making it payable in monthly instalments, which was not reserved in the other, the whole sum having been advanced to the king of Prussia at once, leaving him to dispose of it as he judged proper. The whole sum stipulated to be advanced was 1,200,000*l.*; 100,000*l.* of which had been already advanced out of the vote of credit of last year, he therefore concluded with moving a Resolution, that 1,100,000*l.* be granted to his majesty, to enable his majesty to fulfil the engagements contracted with the king of Sweden.

Mr. *Whitbread* rose for the purpose, not of objecting to a subsidy to the king of Sweden, but of declaring his sentiments respecting the actual situation of that monarch. Much as he admired the fidelity of his Swedish majesty, he did not think it superior to that which had been displayed by Austria; and if the king of Sweden was reduced to the same situation in which both Austria and Russia had been reduced, by the pressure of the war, he did not think it would be any impeachment of the honour and character of that prince, if he were to conclude a peace as they had done. He was of opinion, that the wisest policy which the king of Sweden could pursue in the present circumstances, would be to conclude a peace with France. And it was highly important for the government of this country to consider, that by offering him an inducement to persevere in the war, it might be contributing to bring him into a situation in which he might be obliged to accept of terms of peace much more disadvantageous than those he might now obtain. He reprobated in strong terms that article of the treaty which stipulated that the king of Sweden should not conclude a peace, or even a truce, with his enemies, without the concurrence of this country. Either this article was meant to be observed, in which case it might be attended with ruinous consequences to that monarch; or it meant nothing at all; and in this view he thought it highly blameable to bring such engagements into disrepute, by making them merely for the purpose of being broken. If it was binding upon one party, it was binding also upon the other; and would the right hon. secretary contend, that if a favourable opportunity occurred for this country's negotiating a peace with France, and the advisers of the king of Sweden should object to our availing ourselves of it, the British government ought to consider such an interference as an insurmountable obstacle in the way of negotiation? A similar engagement was contracted in the course of the last war with the king of Sardinia, by which we had bound ourselves not to conclude a peace with France, but upon the express condition, that he was to be reinstated in the whole of his dominions. This engagement was violated by the treaty of Amiens, and thus had brought disgrace upon the country. He did not mean to say, that we had acted wrong in concluding the peace of Amiens, but he insisted that we had acted extremely wrong in contracting an engagement which we were then obliged to violate. Upon that article of the treaty, which stipulated, that an auxiliary force shall be sent to the king of Sweden, he observed, that a rumour had gone abroad, that a large force was to be sent by government to the Baltic, and now it was reported that this expedition was countermanded. He did not pretend to know the intention of the king's ministers upon this subject; but the particular mention made in the treaty, of the king of Sweden keeping his flotilla in readiness to act, shewed that there had been some idea of co-operation on the part of this country; a measure from which no good could possibly result either to him or to us. The hon. gent. next adverted to what he considered as a great omission in the treaty, namely, that it contained no stipulation on the part of the king of Sweden to co-operate in giving effect to the Orders in Council. This omission he thought the more remarkable, as the treaty concluded in 1804 at Stockholm, between this country and Sweden, did contain certain commercial articles; and he could not conceive, if his Swedish majesty's dispositions were such as they had been represented, why some stipulation of the nature of that to which he alluded, had not been introduced into the present treaty. He was of opinion also, that it would have been better, that ministers should have applied to the house of commons from time to time, to enable them to grant such pecuniary aid to the king of Sweden, as circumstances might require, than to ask the house to vote a large sum at once. If an Address had been moved to his majesty, he meant to have moved an amendment to that Address, in the spirit of the sentiments which he had now expressed; but as he understood, that it was not the intention of the right hon. secretary to adopt this mode of proceeding, he had himself drawn up an Address conformably to these sentiments, which he should move when the Speaker resumed the chair, for the purpose of recording his opinion. In this Address he expressed his disapprobation of that article in the treaty in which it was stipulated, that the king of Sweden should not conclude a separate treaty with France; and his surprize at the omission in some stipulations in the treaty on the part of Sweden, to co-operate in giving effect to the Orders of Council; it also contained an opinion, that it would be better to vote pecuniary succours from time to time to the king of Sweden as circumstances might arise, than to vote a large subsidy at once.

Mr. Secretary *Canning* put it to the house, whether it would be liberal and wise to dole out its bounty in small and illiberal pittances as had been proposed by the hon. gent. and whether it was not going far enough to make our assistance gradual, though it was not also arbitrarily bestowed. All that was meant by the article in the treaty by which it was stipulated that Sweden should not conclude a separate peace was, that this should not be done without the consent of the British government. And as to the omission of an express stipulation respecting carrying into effect the Orders in Council, he said that government had not only received the most satisfactory assurances on this head, but that the Swedish minister in this country was to be empowered by his government to arrange the details connected with this business, which could be more conveniently done here than in Sweden.

Mr. *Ponsonby* was of opinion, that it would have been better to have given a sum at once to the king of Sweden, proportioned to his claims upon this country, than to give him a monthly subsidy, which, by inducing him to persevere in the contest, might lead eventually to his ruin. He had never had but one opinion respecting the subsidies which this country had granted to the powers of the continent, viz. that it would have been better for us to make a voluntary sacrifice of some advantages, than to have bestowed money in inducing them to enter into, or to persevere in, a contest, the invariable result of which had been to promote the aggrandizement of France. The wisest thing which ministers could do in the present circumstances, was to advise the king of Sweden to make peace with France as soon as possible: for even supposing, that in consequence of this event, that power should be compelled to join the confederacy against us, her co-operation would be feeble and reluctant, and therefore much less formidable to this country, than after France and Russia shall have succeeded in getting possession of all her means, and be thus enabled to employ them as they may think fit.

Mr. Secretary *Canning* said, the present treaty was intended to enable Sweden to defend herself, not by any instigation of ours, but, from a sense of the fidelity and attachment which she had uniformly shewn to this country throughout the war, to assist her to make the best struggle in her power to extricate herself from the state into which she had fallen, from the circumstances and events of the war, without any responsibility of ours.

Mr. *Ponsonby* said, he was glad to hear that the right hon. gent. allowed Sweden was brought into her present situation not by any persuasion of ours, but by the events of the war: she had, therefore, no call on us. He was happy to find there did not appear to be in the mind of the right hon. gent. any wish to induce Sweden to make an obstinate resistance.

The *Secretary at War* cited the case of Portugal, to prove that no purchased peace could afford security against the arbitrary proceedings of France. Portugal had repeatedly purchased her neutrality, yet after all that country was seized and subdued by Buonaparte. As long as Sweden could defend herself, it was an advantage to G. Britain as well as to herself to enable her to hold out.

Lord *H. Petty* wished the money to be given to his majesty's ministers in the shape of a vote of credit, to be by them applied according as they should find it necessary and proper to make the advances. The right of either party to make peace, ought to have been kept perfectly free. If the Orders in Council were to be the law, it was essential to take the best measures for their complete execution. He had great satisfaction in thinking that this money was advanced to Sweden merely for the purpose of defending herself and procuring peace, and not for the purpose of exciting useless and destructive wars.

The *Chancellor of the Exchequer* said, it seemed to him that which way soever ministers had made the treaty, they would have been equally unlikely to meet with the approbation of the hon. gentlemen opposite; for they all differed in opinion with each other. The first hon. gent. thought it better to keep the money under the controul of parliament. The second was for granting it all at once to buy a peace; and the noble lord came in between these two extremes, and wished to have it as a vote of credit. In one part of the argument, they had contended, that Sweden could not make any effectual struggle, but must be compelled to make peace; and in another they insisted, that if we wished to make peace, Sweden might refuse to do so, and reproach us for attempting such a measure without her consent. He thought the very able and ample manner in which his right hon. friend had explained the subject, was a sufficient elucidation of it, and was convinced ministers were not likely to have obtained the entire acquiescence of the hon. gentlemen opposite, let them have acted how they would.

Mr. *W. Smith* thought that as this was a bare treaty of subsidy, there ought not to be tacked to it any stipulations about binding this country not to conclude peace but in concert with Sweden. He thought, at all events, that at the same time that those political negociations were going forward, there ought to have been a convention for arranging commercial objects.

The Resolution was agreed to, and the report was ordered to be received tomorrow.

Mr. *Whitbread* then moved the following Address, which was negatived without a division: viz. "That an humble Address be presented to his majesty, humbly to represent to his majesty, that his faithful commons, always desirous of supporting the dignity of his majesty's crown, and the faith of engagements contracted by his majesty with foreign powers, will make good the Subsidy granted by his majesty to the king of Sweden. Nevertheless, his majesty's faithful commons feel it to be their duty, to represent to his majesty, that in the present state of the contest with his majesty's enemies, his faithful commons would have been better satisfied to have answered such calls for pecuniary aid as his majesty might have thought expedient to make upon this house, for the purpose of assisting the king of Sweden, under such exigences as his fidelity to G. Britain may bring upon him, rather than to make any grant resulting from the terms of a specific convention. Humbly to represent to his majesty, that his faithful commons have seen, with great concern, by the 3d Article of the Convention with the king of Sweden, which his majesty has been most graciously pleased to direct should be laid upon the table of this house, that his majesty has bound himself 'not to conclude any peace or truce, or convention of neutrality with the enemy, except in concert and by mutual agreement with the king of Sweden.' A species of engagement, which, as it appears to his majesty's faithful commons, ought never to be entered into excepting upon the most mature deliberation, and when the relative situation of the contracting parties is far different from that in which G. Britain and Sweden now stand. That the experience of such contracts, made in the course of the late war with France, tend to prove that they cannot be binding on the weaker of the two contracting parties, because no manner of obligation can bind a state to its utter ruin; and in the peculiar situation in which Sweden now stands, it appears to this house, but too probable, that all the efforts of his majesty may not be sufficient to preserve her from submission to her enemies, whilst, on the other hand, the perseverance of Sweden in the contest, can in no way be beneficial to G. Britain, and the article in question may throw difficulties in the way of negociation for the restoration of the blessings of peace.—To represent to his majesty the surprize of this house, at not finding in the Treaty submitted to its consideration, any Article of Commercial Regulation between the two countries. His majesty's ministers having represented to this house, that the best hope of success, in the present contest, depended upon certain measures affecting the commerce of neutral nations, which are manifestly and avowedly impracticable without the co-operation of Sweden. It was natural to expcct, that at a time when Sweden is to be defended with the blood and treasure of G. Britain, some stipulation should have been required from her, that she would not render totally ineffectual the measure which his majesty's ministers have repeatedly declared to be most efficacious, now remaining to be used against France.—That his majesty's faithful commons are the more disappointed at this omission in the present Treaty, because by the 5th Article of the Secret Convention entered into between his majesty and the king of Sweden, and signed at Stockholm on the 3d of Dec. 1804, it appears that commercial arrangements had become matter of discussion between the two powers, and that 'New points, whereby the commercial interests of the two countries might be more closely connected, were reserved for a particular act.'—In these circumstances his majesty's faithful commons do freely grant to his majesty the supply necessary to make good the promise of his majesty's royal word, but at the same time they deeply lament, that such engagements should have been entered into as may tend to embarrass this country in negociation: and, that stipulations are altogether left out, the omission of which may defeat the means now relied upon by his majesty's ministers for the successful prosecution of the war."

[JESUITS' BARK BILL.] The Chancellor of the Exchequer having moved that the house should resolve itself into a committee on this bill,

Mr. *Whitbread* repeated his objections to the bill, which he characterised as a most abominable measure, calculated only to hold the country up to universal execration. It was the first attempt to put on the statute book any of those ideas which evidently shewed that the moral character of England had been gradually deteriorating. One of those ideas was that infamous one, some time ago so prevalent, that in case of invasion no quarter should be given to the French troops, but that they should be all massacred, or confined for life to work in mines and coal pits. The object of the bill was, like the old one of 'hedging in the cuckoo,' impossible. Great quantities of bark were on the continent, and he read a Parisian price current, to shew that bark was much lower in price there than what had been stated. There were, in this country, above a million of pounds of bark, which, in another sense of the word, had become a mere 'drug,' and it was impossible to sell it on any terms whatever. This bark had been imported under licenses from government. Several persons had invested their whole property in this article, and had, in his opinion, a right to call on his majesty's ministers to require that the public should take it all into their hands. Were they to be consumed for the purpose of carrying into execution the vengeance of the country? Were they to be treated as shells, the explosion of which involved their own destruction? The bill united in itself detestable cruelty with absurd folly. He therefore opposed the Speaker's leaving the chair.

Sir *C. Price* defended the policy of the measure, and contended that it was perfectly justifiable as a mode of warfare. To his certain knowledge, yellow bark had been purchased in London at 10s. per lb. and after having paid 30 per cent. insurance had sold for a considerable profit in France. The withholding of this article must give a facility to the introduction of our manufactures, and in this point of view the measure was most humane, as it tended to relieve the distresses of our manufacturers. The opposition to this measure was part of that systematic plan of thwarting the measures of government, so undeviatingly pursued by the hon. gentlemen opposite, who, in addition to their proceedings in the house, had, by letters and otherwise, instigated the presentation of petitions for peace.

Mr. *M. A. Taylor* asked by what right the hon. aldermen accused any member of a disposition to thwart the measures of government. Such an insinuation should never deter him from expressing his sentiments on any bill that might be submitted to the consideration of the house. This bill contained a proposition most degrading to the country, namely, to carry our hostility into the chambers of the sick. He denied that any attempt had been made on his side of the house to promote petitions for peace; on the contrary, they had discouraged such petitions.

The *Chancellor of the Exchequer* entered into a general defence of the bill, which he contended was not more devoid of humanity, than the bill for prohibiting the exportation of cotton wool, or any other measure which must operate in the first instance most heavily upon the poor of the enemies country, and only circuitously on the government whom it was most desirable to affect. He repeated, that the evils would not be attributable to this country, for that the French government would always have it in their power to remove them by pursuing a reasonable line of conduct.

Mr. *W. Smith* argued against the bill, which he contended would extend those evils by which war was rendered so horrible, and would tend to re-plunge the world into a state of barbarism.

Sir *W. Elford* defended the bill. The principle on which it had been opposed went to this length, that we ought to turn our artillery from the enemy, for a bullet was at least as fatal as a dysentery. We had a right to use every means by which the government of a hostile country might be induced to conclude a reasonable peace.

Mr. *S. Lushington* said, that the principle of the bill met with his most severe reprobation. It would have been better to have withheld from the French the cloathing which it was well known they had obtained from this country.

Mr. *Gordon* defended the bill. There was at present a depot of bark in this country equal to the consumption of 3 years; and he was convinced that France, and the other nations of the continent, must eventually resort to us for a supply of that article.

After some further discussion the house then divided, For the Speaker's leaving the chair 92; Against it 29; Majority 63. The bill then passed through a committee.

[RESOLUTION APPROVING THE CONDUCT OF THE SPEAKER.] Mr. Secretary *Canning* wished, before the house rose, to put a question to a right hon. gent. (Mr. Tierney) on the opposite bench. Feeling, as he was persuaded the house also did, a very great interest in every thing which related to the conduct of the person who filled the Chair, and discharged its very arduous duties so highly to their satisfaction, he could not reconcile it to those feelings to have that conduct arraigned, without—

Mr. *Tierney* said, he rose to order, and observed that there was no question before the house.

Mr. *Canning* contended, that by the practice of the house he was entitled to put the question he intended. The question was, whether the right hon. gent. in consequence of what had occurred in an early stage of the sitting proposed to give notice of any motion on the subject?

Mr. *Tierney* avowed that it was his intention in future to prevent that species of debate which was called conversation, unless there was some specific motion before the house, or some understanding established as to the latitude which should be allowed in it. He had felt the inconvenience of being interrupted, at a moment when he was extremely anxious to rescue himself from the charge of inconsistency. The attacks made upon him in that house by the right hon. gent. in perfect good humour, no doubt, he could have well passed by; but he felt some solicitude to obviate the impression which they might make out of doors, if they were allowed to go unrefuted. It was not his intention to make any motion on the subject, but to avail himself of his privilege, as a member of that house, and take the remedy into his own hands.

The *Chancellor of the Exchequer* detailed the circumstances attending the conversation, and inferred that the irregularity commenced with the right hon. gent.'s observations on what he termed the inconsistency of his majesty's ministers. He felt it his duty to retaliate the charge, and here the conversation was stopped, and he conceived properly stopped, by the Chair.

Mr. Secretary *Canning* observed, that a conversation of that kind became irregular as soon as it was formally taken notice of. By the observation of his right hon. friend (Mr. Foster), who had said, that 'the conversation being at an end, he would move, &c.' that notice had been taken, and the Speaker, in the impartial prosecution of his duty, was compelled to prevent the right hon. gent. from proceeding.

Lord *H. Petty* maintained that his right hon. friend, by a rigorous exercise of the orders of the house, had been deprived of an opportunity of refuting a charge preferred against him.

The *Speaker* addressed the house nearly in the following terms:—My conduct having been brought before the judgment of the house, accompanied with no indistinct charge of partiality, I trust I shall be excused for offering a few words to the house on the subject. It has ever been the usage of the house, and it has been found a most convenient usage, to permit questions to be asked, tending to facilitate the arrangement of business. An occurrence of this nature took place this day. The noble lord put a question to a right hon. gent. to which question an answer was given. A right hon. gent. then rose, whose knowledge of the forms and customs of the house induced me to presume, that he would not pass beyond the limits which the occasion prescribed. I find no difficulty in saying, more especially as that right hon. gent. has himself made the acknowledgment, that before the termination of his address, he did pass those limits. The language which that right honourable gent. used called up a right hon. gent. on the opposite side, who replied to him. At that moment several hon. members rose. Had that which then took place not occurred, I frankly state I should have felt it my duty to have put an end to the conversation; but when one of the hon. gentlemen who rose distinctly spoke of the conversation, no choice was left me on the subject. I therefore interrupted the conversation, and on proceeding to read the orders of the day, a question being open, the right hon. gent. rose in his place, and declared that which he had just stated. This was the proceeding as accurately as I can relate it to the house. I appeal to their judgment whether my conduct is liable to the charge of partiality. It may be so, but if it is I own I am not conscious of it. Having been four times raised by the free choice of the house to the Chair which I now occupy, and in which I have sat for 7 years, I have the consolation to reflect, that this is the first time that any imputation of such a nature has been ascribed to me. I hope that as long as it is the pleasure of the house that I should occupy the honourable situation which I now hold, I may remain free from such an imputation. It is for the house to judge whether I am so free or not; and it is for the house to declare whether they will in future allow the continuance of that usage which has given rise to the present occurrence. When I am instructed what is their pleasure, it will be my duty to conform to those instructions, and to enforce obedience to them, as well as to all the other orders of the house. The house will, I am sure, pardon me for detaining their attention so long on a subject which I own has deeply pained me, although I am not conscious in the course which I have pursued, of having deservedly incurred the censure bestowed on me.—[Loud and reiterated cries from all parts of the house of hear! hear!]

Mr. Secretary *Canning* thought the discussion would not be satisfactorily terminated, unless the house came to some declaration of their opinion. He rose, therefore, for the purpose of submitting a resolution expressive of the high sense which the house entertained of the services of the right hon. gent. who filled the Chair. They were all witnesses to the ability and impartiality with which he discharged the arduous duties appertaining to it, in times of as violent contentions of parties and turbulent debate as had ever occurred in that house. The right hon. gent. concluded with moving "That this house does highly approve of the upright, able, and impartial conduct of the right hon. C. Abbot in the Chair of this house."

The *Speaker* having put the affirmative of the question in a very low tone of voice, and obviously much agitated, was answered by a vehement burst of Aye from all sides of the house. When he was about to put the negative branch of the proposition,

Mr. *Tierney* rose and said, that as an independent member of parliament, and anxious to preserve the privileges of the British parliament, he felt himself bound in honour to say 'No.'

The Resolution was then carried as if by acclamation; Mr. Tierney being the only dissenting voice.

HOUSE OF COMMONS.

Thursday, March 17.

[COLD BATH FIELDS PRISON.] Mr. *Sumner* wished to know, whether it was the intention of the right hon. gent. to found any proceeding upon the petition which he had presented to the house; because if such was his intention, he would not take the business out of his hands.

Mr. *Sheridan* said, that he had stated, when the petition was presented, that it was his wish that some enquiry should be instituted into the grievances complained of in the petition, by his majesty's government, and that if some remedy was not speedily applied to these grievances by them, he should submit some proposition on the subject to the house. For this purpose he wished to give a reasonable time to ministers to suggest some remedial measure. But, after what had happened on a former occasion, he had no great hopes from that quarter, and if nothing was proposed by them in the interval, he should bring forward some specific proposition upon the subject in the course of next week.

Mr. *Sumner* had the fullest confidence in the government, and was sure the members for Middlesex would not lose sight of a matter that called so particularly for their attention. But the character of the magistrates of that county was involved, and his anxiety to do justice to these respectable men, could not give way to his deference for any person or persons whatsoever. He questioned whether any steps that would be privately taken by his majesty's government, would satisfy the opposition. He thought it extraordinary that the petitioners, passing by the regular and proper modes of addressing their representations to the magistrates at the quarter sessions, to the magistrates who formed the jail committee, and to the secretary of state for the home department, had come in the first instance to parliament. He could attribute such a proceeding to no other motive than a desire to obtain a bad popularity, by exciting public clamour to the injury of the characters of others. Though the result of whatever investigation should take place would, he was well satisfied, be very far from substantiating the charges made, the petition would yet remain on the journals an eternal libel on the magistrates of Middlesex. He adverted to the former inquiry into alledged abuses in the Cold Bath Fields Prison, by commissioners appointed under the sign manual. Though, from the character of those commissioners, there could be no doubt that they executed their trust faithfully, yet, by their being appointed by the crown, a sort of prejudice and dissatisfaction had always existed with respect to their report, among the common people, whom it was most essential to satisfy on this head. To guard against that evil consequence in the present instance, he intended to move to refer the petition, and the matters connected with it, to a parliamentary committee, to sit up stairs. Looking to the investigation which this committee would make, he would make no observation now on the matters charged in the petition; but with a view to the further information of gentlemen, he would move, "That there be laid before the house a copy of the report of the visiting magistrates of the county of Middlesex, to whom it was referred to inquire into the truth of the allegations of Mr. Sheriff Phillips and Alexander Stephens, with respect to the use of false weights and the distribution of light bread, and other abuses in the Cold Bath Fields Prison."

The *Chancellor of the Exchequer* did not wish to throw any obstacles in the way of a thorough investigation of the grounds of complaint stated in the petition, though he did not feel disposed to acquiesce in the proposition of the hon. gent. who had just sat down. The right hon. gent. who presented the petition, had intimated his intention to wait till he saw what steps were adopted by the executive government; and he had now to state that a commission was preparing, in which all the persons, now alive, who had been on the former commission, would be re-appointed, and such names added, as he was sure, from their respectability, would give satisfaction both to the house and the public.

Sir *F. Burdett* confessed, that he stood in the predicament of differing in sentiment with all those who had spoken upon the subject. In the first place, he protested against the doctrine of leaving the grievances of the people to be redressed by what one hon. gent. had pompously denominated 'his majesty's government,' or in other words, by the administration of the day. The hon. gent. who had brought forward the present motion, seemed to entertain the most perverse notions of the nature of the petition, which it was possible to enter into the head of man. A petition presented to that house praying for a redress of grievances on the part of the people, he had construed into a charge against the magistrates of the county, and the only reason he adduced for inquiring into the matter of the petition, was the vindication of the characters of the magistrates. He contended, on the contrary, that the petition had nothing to do with the characters of the magistrates of the county, and if any of the magistrates were implicated, it was the committee at the head of which was Mr. Mainwaring, and whose duty it was to superintend the due execution of the regulations for the management of the prison. He was convinced, that if the house of commons did not appoint a committee of their own for the purpose of investigating the complaints of the petition, neither the petitioners nor the country would be satisfied. The hon. gent. had thought fit to attribute improper motives to the petitioners, because they had not addressed themselves to the secretary of state before applying to that house, but he thought that the business had been quite long enough in the hands of government. It was first brought forward in 1799, since which nothing had been done to redress the grievances complained of, and he did not wonder that those who were subjected to them despaired of obtaining any relief from that quarter. Neither was he astonished at the objections which had been started to the appointment of a committee of the house of commons by the chancellor of the exchequer, aware as he must be, of what would be the result of a public investigation. Restricted as were the powers of the former commission, because it had no authority to make retrospective inquiry, and notwithstanding the long warning and time which had been given to the gaoler to prepare for their inquiry, it appeared from the report then made, that he had set at nought the regulations of the magistrates, and the authority of the laws. And by the late report of the members of the grand jury, it appeared, that the prison weights were short of the legal standard; that innocent men were confined in irons; that the gaoler was in the habit of whipping and beating the prisoners by his own authority; that he was in the habit of borrowing money, and accepting bribes from the prisoners; or, as the report expressed it, that the prisoners had found out the secret of suiting their proposals to the wants of the governor. He had reason to think, that the governor's daughters also were sometimes tempted beyond their power to resist. These were the least enormous of the facts that would come out on the investigation. He hoped that the conduct of the inquiry would not be taken out of the hands of the right hon. gent. who had brought forward the business; but above all, he hoped that the importance of making a most complete and satisfactory investigation would be felt.

Mr. *Sheridan* thought the proceedings of the hon. gent. who brought forward the motion, the most extraordinary he had ever witnessed. The hon. gent. on rising asked him whether he meant to bring forward any motion upon the subject of the petition which he had presented some time ago? He had replied, that it was his intention to make a proposition on the subject in the course of next week; but instead, on that account, of waving his motion on this evening, as he expected, he had now made precisely that motion which he intended then to submit to the house. Mr. Sheridan avowed that he was by no means fond of an inquiry into public grievances being conducted by a commission acting under the authority of the king's sign manual. He had no objections to the characters of those who had acted under the former commission; but they had not sufficient powers, and what was worse, the result of that inquiry shewed that the same attention was not paid to such a commission as was usually paid to the report of a parliamentary committee; for certainly, upon the face even of that report, there were sufficient grounds for the removal of governor Aris from this office. He was by no means sure, therefore, that the petitioners would be satisfied with the appointment of another commission under the king's sign manual, from which so little advantage had accrued in a former instance. He should, however, make it his business to inquire, whether they would be satisfied with such a proceeding, or not; and if they were not, he should still follow up his original intention of submitting a motion to the house in the course of next week. He had no objection in the mean time, that the paper moved for by the hon. gent. should be produced; but he mentioned a circumstance, to show how little weight any representation from the magistrates ought to have in circumstances like the present. A poor girl had brought a charge against a lawyer for a rape; this person contrived by giving money, or by some other means of influence with the governor, to get his accuser immured in a cold, damp cell, in which she was so scantily fed on bread and water, that when she came forward to give her evidence in court, she could neither speak nor stand. And the magistrates, after inquiring into the circumstances, had drawn up a representation, to which 16 signed their names, that the father of the girl was a poor button-maker, and that it was impossible that she could have been worse fed in prison than she would have been at home!

Mr. *Mellish* expressed his astonishment that the report moved for was said to corroborate the allegations of the petition. It, on the contrary, contradicted them, both as to the getting the woman with child in the prison, and as to the weight of the bread. He preferred a committee of the house to a commission by government, because, he frankly owned, that it would be more satisfactory to the public.

Mr. *Sumner* repeated his desire to have a parliamentary committee in the first instance, and proposed to read a list, which his hon. friend would find to be candidly formed.

Mr. *Sheridan* wished to propose a list of his own. In addition to the other cases of abuse, he would mention that of a foreigner, who was insane, and who had been beaten and confined to a cell.

Mr. *Mellish* said, this foreigner, who was committed to prison for being a spy, was not confined to a cell, and there was every reason to suspect that his derangement was counterfeited.

Mr. *C. Wynne* could say nothing as to the treatment of that foreigner, but his commitment was perfectly just and proper; and it was necessary he should not leave this country, as he had information that would affect the lives of others.

Sir *F. Burdett* said, that he could not go the length of owning, that he should be perfectly satisfied though the report of the present state of the prison should be favourable, for he could not forget that Aris himself had confessed, that he had borrowed money of his prisoners, beat them, whipped them, and taken bribes from them. There was something mysterious in the support which this gaoler had received. He was notoriously a bad character. A dramatist, he recollected, had exhibited a lawyer who had been entrapped into a good action, as desperately afraid lest he should be ruined, as he lived by the badness of his character. Aris, however, had no occasion to be alarmed on this head. He had first embezzled the parish money, and then the parish put him in this situation in hopes of recovering it. This system of solitary confinement was one of the experiments established in consequence of the representations of the celebrated Howard. But it had completely failed in this instance, for the plan had never been carried on under the regulations and restrictions which Howard had proposed. It would be better to revert again to the old constitutional system.

The *Chancellor of the Exchequer* agreed, that there had been neglect somewhere, as nothing had been done upon the report of the former commissioners; but the administration had no connection with the gaoler. He thought that a commission by government was the best mode of proceeding in the first instance.

Lord *Folkestone* thought that, under the circumstances of this case, a parliamentary commission would be preferable.

Mr. *Wilberforce* said, that many happy effects had resulted from this system, though it might be liable to abuse. He thought it would be better to take this matter out of the reach of party feelings, and submit it to such magistrates and others as had bestowed considerable attention upon the subject. He therefore preferred a government commission.

Mr. *Holford* said, he had visited the prison, and found every thing in the best order.

Mr. *W. Smith* said, that there was something mysterious in the circumstance, that nothing had been done upon the report of the former commission. He suspected that party feeling had had a great deal more weight than it ought to have had in that affair. He expressed his preference of the mode of a committee of the house.—Mr. Brand and sir John Newport also aruged in favour of a committee. The motion for copies of any presentment, &c. was then agreed to.

Mr. *Sheridan* then moved for a select committee to examine the allegations of the petition, and report to the house.

The *Chancellor of the Exchequer* preferred a commission in the first instance, and would therefore oppose the motion.

Mr. *Whitbread* declared his preference of the parliamentary mode.

The house then divided on Mr. Sheridan's motion: Ayes 50, Noes 74; Majority 24.

HOUSE OF LORDS.

Friday, March 18.

[Danish Ships.] Lord *Sidmouth* brought forward the motions of which he had given notice, respecting the Danish ships captured, or detained by our cruizers, previous to any declaration of war. He did not foresee there would be any objection to the production of the accounts he should move for; he only looked for them as the grounds on which to build a future and general motion respecting these proceedings. The noble viscount concluded with making four distinct motions, the object of which was, to ascertain the number of ships and vessels belonging to Denmark, which were found and detained in the British ports, previous to the issue of any Order in Council for their capture or detention; also of the ships captured and brought in pursuant to that order, and that declaration of war; also, of the number of Danish ships that had been condemned and confiscated, in consequence of the decisions of the courts of admiralty and of appeal; and of the number of ships whose case was now pending before those courts.—After a few words from the earl of Suffolk and lord Hawkesbury the motions were agreed to.

[Mutiny Bill.] The house resolved itself into a committee on the Mutiny bill. On the clause being read for allowing men to enlist for life,

The Duke of *Gloucester* restated the opinion he had delivered on a former occasion, on the merits of the system of limited service. It was a system almost universally approved, not only by the ablest generals of foreign nations, but by the most experienced military men of this country. It was a system that was gradually improving, and that promised the fairest results. He was sorry that such a moment as the present should be seized to interrupt its progress; and so convinced was he of the mischiefs that must arise from that interruption, that he must beg leave to propose as an amendment, That the words granting the power of enlisting for life, be left out of the clause.

Lord *Boringdon* was a friend to the system of limited service; but various reasons concurred to induce him to agree to the clause, because it must be obvious that a very different system was necessary with respect to our colonial and our home defence. If the house but duly considered the extent and distance of our settlements, and the immense expence incurred by sending out men to India, for example, they must be convinced that an enlistment for seven years would by no means answer the object with regard to the Colonies.

Lords King and Darnley supported the plan for limited service, and complained that the present clause was inserted in the bill only with an insidious intention to undermine it.

The Earl of *Buckinghamshire* was convinced from experience that a mixture of the two systems, of limited and unlimited service, was best calculated for the various circumstances of the defence of the empire.

Earl *Grosvenor* was loud in the praises of the limited system. It alone could gain us the hearts as well as the arms of soldiers, and without their hearts, their arms would be of little avail, in the moment of difficulty and danger to which the country might perhaps be soon exposed.

Lord *Melville* took a retrospective view of the state of the army, and of the various plans that had at different times been devised for recruiting it. He disliked the frequent interference of the legislature in what regarded our military establishment. In his opinion, it was best entrusted to the care and management of the chief executive magistrate; and it was found of late to improve and flourish under the auspices of the illustrious personage to whose hands the sovereign had confided it. The country never had an army so numerous and well appointed as that it had to boast of at the present moment: and how was that army acquired? Not by any one plan or exertion; not by metaphysical recruiting, and a philosophical investigation of the moral propensities and habits of men; but by a combination of various plans and various exertions, adapted to the nature and employments of men as they were to be found, and to the varying situation and exigencies of the country. Of all the plans to which the present flourishing state of the army might be ascribed, the Additional Force bill, and the enlisting from the supplementary militia into the line, he conceived to have been the most efficacious. But as no one system or exertion had raised our military force to its present amount and perfection, so no one plan or exertion would be sufficient to maintain it in that desirable state. A variety of systems and exertions must conspire to accomplish this wished-for object. He was, therefore, for blending and uniting the two systems, respecting the merits of which noble lords seemed to be so much divided.

Lord *Sidmouth* agreed with the noble viscount, as to the advantages derived to the army from volunteering from the militia, but differed with him in his opinion as to the present system of enlistment. His lordship entered into a detail of the measures adopted for recruiting the army during the last and present wars; and contended that the system of recruiting now in operation was the only measure to which the late administration could look with confidence for keeping up the army, without resorting to compulsory service, which, on every ground that could be stated, it was so desirable to avoid. His lordship said he had entertained doubts as to the system introduced two years ago, though he had given it his support as an experiment then necessary, in consequence of the failure of the Additional Force act. That system had succeeded in the most ample manner, and had more than equalled the ordinary mode of recruiting and the additional force bill put together. He was satisfied that the old mode of recruiting would never be sufficient of itself, without some subsidiary system, such as the army of reserve. By the new system we had procured a force better in quality, in stature, and in morals. He was, therefore, of opinion that any thing which might go to deprive the country of any part of the benefit arising from the system of limited service must be prejudicial, and ought to be avoided.

The Earl of *Moira* shewed, in a contrasted point of view, the advantages of engaging men for a limited period of service, rather than for life, as affecting the soldier himself and his family; and, from a view of the picture, gave a decided opinion in favour of Mr. Windham's system.

The Earl of *Westmoreland* denied that there was any intention to put an end to the new system. All that was sought by the present clause was, to give the old and established military practice a fair and equal chance with the system lately introduced.

Lord *Holland* said the house and the country had heard a good deal of a ship projected by a noble friend of his (earl Stanhope) which possessed the property of sailing against wind and tide. After all that the system of a right hon. gent. (Mr. Windham) had done, his lordship was convinced no adequate idea of its merits could yet be formed; it had never yet got fair play; but had been obliged, at least during the greater part of its course, like the vessel of his noble friend, to sail against wind and tide.

The Duke of *Gloucester* replied to the different arguments which had been adduced in support of the clause; which, on being put, was carried, and the amendment negatived without a division.

HOUSE OF COMMONS.

Friday, March 18.

[Petition from Manchester respecting Peace.] Colonel *Stanley* presented a petition signed by 50,000 persons, inhabitants of Manchester and its vicinity, praying the house to address the king, to neglect no opportunity of entering into a negociation for peace; and to afford such relief as in their wisdom might appear suited to the emergency of the case. The petition contained a vivid description of the distressed situation of the persons whose names were subscribed; and stated their conviction that their distress arose from the continuance of the war.

Mr. *Whitbread* said that this petition, signed by 50,000 persons, in addition to the thousands who had petitioned before, laid a great weight of responsibility on ministers. An insinuation had been thrown out, that some gentlemen on his side had had recourse to artifice, in order to encourage these petitions. He knew nothing of any such artifice; and firmly believed, that this petition was wrung from the persons subscribing it by their distresses. The language of the petition was unexceptionable, and even highly respectful. Unless ministers, therefore, shewed a serious disposition to enter into a negociation, it would be the duty of the house to interfere, and address the throne on the subject.—The Petition was ordered to lie on the table.

[Petitions against the Orders in Council.] Mr. Alderman Combe moved the consideration of the London, Liverpool, Manchester, &c. petition, against the Orders in Council. This was agreed to, and counsel was ordered to be called in. Mr. Brougham was heard at the bar, as counsel in behalf of the merchants, traders, and others, concerned in the trade between America and this country, and resident in the city of London, and towns of Liverpool and Manchester. The learned counsel having stated the case of the petitioners with perspicuity and conciseness, proceeded to call his witnesses. The first was G. W. Wood, a partner in an extensive cotton manufactory in Manchester. The object of his deposition was to prove, that the trade of that firm had considerably decreased in consequence of the Orders in Council. The next witness was a Mr. S. Phillips, whose testimony was to much the same purport. The next witness was a Mr. Palmer, a clerk or agent to the house of Guest and Co. in America.—The learned counsel then stated, that he should next call Mr. Alex. Glennie, for the purpose of proving the interruption given to the course of the remittances between this country and America, by the operation of the Orders in Council. Mr. Glennie was called accordingly, and underwent a long examination.—On the motion of the Chancellor of the Exchequer, the further consideration of the Petitions was postponed to Tuesday.

HOUSE OF LORDS.

Saturday, March 19.

[PROTEST ON THE MUTINY BILL.] The Mutiny Bill was read a third time and passed. When the question for the third reading was put, earl Grey rose and said, that he should move that the words "allowing individuals to enlist for unlimited service" be left out of the bill. His lordship said he did not mean to discuss the point, and only made the motion that his opinion of the clause might be inserted in the journals of the house. The motion was then put, and it was negatived without a division.

The following Protest was entered upon the journals.—"Dissentient: 1st. Because the words proposed to be omitted, by establishing an option between limited and unlimited service, effect an alteration in a system, the success of which has always appeared to us to depend on a long, scrupulous, and uninterrupted adherence to the principles on which it was originally formed. The inducement held out to enlist, by limiting the term of service, is founded on no immediate bounty or reward, but on the hope of future and distant advantages. A confidence in its stability is, therefore, absolutely necessary to its success, and any alteration must tend to shake that confidence, and to create an apprehension in the minds of the people, that changes from time to time will be introduced, that faith to individuals will not be scrupulously maintained, and that the advantages held out to them will become precarious and uncertain, as well as remote. Nor are such suspicions likely to be allayed by the reflection, that the alteration in question was chiefly supported by persons avowedly hostile to the principle of limited service, and that the arguments urged in favour of it in debate, were more calculated to recommend a total subversion, than a modification or improvement, of the system so recently established.—2d. Because the particular alteration, now adopted, tends to counteract the beneficial operation of the original measure, by rendering complicated a system which it was peculiarly desirable should be distinctly understood by that class of the community from which our army is chiefly recruited.—3d. Because no necessity, arising from any failure of the system established in 1806, has been, or can be, urged in justification of the change now introduced. On the contrary, the marked preference given to limited service, by those who enlisted from the militia, under the act of last year, the general success, and above all, the regular and progressive improvement, which has hitherto attended the recruiting for a limited term of years, have exceeded the hopes, and confirmed the expectations, of the most sanguine of its supporters.—4th. Because the change is not recommended by any immediate advantage, nor adapted to any extraordinary exigency of the time; but calculated solely, in the view of its supporters themselves, to surmount difficulties at once speculative and remote.—5th. Because the admission of soldiers for life tends to perpetuate the existence, and to aggravate the inconveniences, of that mixture in the conditions of service, which, when temporary and unavoidable, formed the most plausible objection to the original measure.—For these reasons we thought it hazardous to adopt a regulation, recommended by no motive of convenience, and liable to many serious objections; we were unwilling, hastily and wantonly, to interfere with what was apparently well; and we were anxious to record our disapprobation of an experiment, which must disturb, and may, eventually, if not intentionally, subvert a system, calculated to produce a constant, ample, unoppressive, and cheap supply of recruits to the army. (Signed) Vassall Holland, Grey, Jersey, Essex, Cawdor."

HOUSE OF COMMONS.

Monday, March 21.

[Expedition to Copenhagen.] Mr. *Sharp* rose and addressed the house as follows:—I am now, sir, to intreat your attention, and the attention of the house, to a motion of which I some time since gave notice; but, sir, in giving that notice then, and now in rising to perform the promise implied in it, I am afraid that I have suffered myself to be too much influenced by irresistible feelings of disapprobation respecting the expedition to Copenhagen, and by those of deep regret for its consequences, and too little by a proper regard to my own want of pretensions to that indulgence from the house, which I have risen to solicit. I will not, however, sir, diminish that small claim to the accustomed generosity of the house, which every member may hope that he has not forfeited, by occupying one moment of its time with a topic that must be so little interesting to it, as the feelings and difficulties of an individual.—And yet, sir, the difficulties are neither few, nor inconsiderable, which must be surmounted by any man who has to request that the thoughts of parliament may again be directed to a subject already so frequently discussed in many of its parts, and on which most of the distinguished persons in this country have communicated the information which they had to give, declared the sentiments that they had formed, and detailed, too, at so much length and with so much ability, the arguments by which they supported such sentiments. Yet perhaps, sir, it may not be wholly useless, perhaps it may be very advantageous that parliament should be reminded, (though by me very briefly) of some of those facts, opinions and reasonings, in a stage of this important business, which it was impossible to omit, without leaving the discussion imperfect, and the sentiments of parliament undeclared.—But, sir, in truth these several debates, to which I allude, have rather been of a preliminary and preparatory nature, clearing the way for a final and solemn examination of the conduct of ministers, by which they have had the courage to say (courage is not the word, sir) that they have saved their country, but by which, in a transaction of the greatest importance to the national character and interests, the former may have obviously been disgraced, and the latter destroyed.—There are however, sir, other reasons rendering it highly proper to bring this subject again before the eyes of parliament, for ministers have thought fit in every debate to tell us in a triumphant and taunting tone, that what they have been doing has been sanctioned by universal approbation. This assertion, so loudly and so often repeated, renders it incumbent on every man who thinks himself and the public calumniated by this imputation, to take every proper opportunity of denying his concurrence, and of disclaiming any participation in the sanction so skilfully, but so unjustly taken for granted. The public opinion, sir, to this effect, may conditionally perhaps have been expressed very early in this proceeding (though I am far from thinking that it has), but that opinion, if it even existed, has certainly changed most rapidly, and the conduct of ministers in acting without the necessary evidence, or in suppressing that evidence, seems now to have occasioned an universal surprize and censure.—Such an approbation may have been obtained by false pretences, the conscience of the people may have been surprized; they may have thought it but justice to ministers to presume that they would justify their conduct, but, sir, we ought not to do the public the injustice to believe, that they deliberately approve this remarkable measure, unless it be defended by facts that are incontestible, and by reasonings that are unanswerable, both proving its overruling, evident, irresistible necessity.—It is, sir, very easy to conceive that the capture of many ships of the line, and an arsenal of stores would, at first sight, be very striking to the imaginations of the people of this country, who feel at all times with such extreme sensibility whatever is connected with the navy; with the navy, sir, at once the source of their security and of their glory. But it would be libeling both their hearts and their understandings not to believe that they took it for granted, that information, indubitable information, would be afforded to them, proving the urgent necessity of obtaining these ships, and these stores, by besieging the capital, and destroying the inhabitants of a nation with whom, two very short interruptions excepted, their fathers and themselves had been at peace for centuries, and with whom our connections had recently increased in a most remarkable degree, producing incalculable benefits both to them and to ourselves.—Sir, I could not congratulate his majesty on this success against his neighbour, and his kinsman; I could not participate in this wretched triumph, nor could the people of England, unless they looked for such a vindication; for if they had, their joy would have been as absurd and as dreadful as that of an infant delighted with the blaze of its own garments on fire. Sir, the burthen of proof lies heavily on those who advised his majesty so to employ his navy and his army.—Every man must hold such an unprovoked breach of neutrality in abhorrence, unless it be unanswerably justified, and those who have bestowed upon it an approbation before enquiry, are now entitled, are now called upon to retract that approbation, unless they have proof that the necessity was not to be resisted, and the violence not to be avoided. What, sir, has been the conduct of ministers? they seem to have formed themselves into a Society for the Suppression of Papers. They have denied all the material documents, and have only granted others to answer private purposes. They have denied to parliament what ought to have been the materials of their defence, and have compelled us to bring them to trial without the evidence to which we had a right. They stand at the bar, sir, by their own fault, under the strong, the natural prejudice, that either their allegations are wholly unfounded, or that if they do possess any knowledge from which parliament is excluded, that the effect of that knowledge would have been to condemn and not to acquit them.—Sir, they must be either condemned or acquitted. Parliament, as it values its own character both abroad and at home, must pronounce a sentence on this transaction, and as scrupulously, as if sworn to determine according to that evidence. This country, sir, Europe, the world, expect that we shall do our duty strictly. And the world will esteem or despise parliament as it conducts itself on this great, this serious occasion. —Sir, I own that there is one discouragement that I feel, for it is not possible to conjecture what may be the result even if their violence be condemned, since, unhappily, sir, we have too recent an experience, that a verdict of guilty pronounced by an awful tribunal may lead to reward; a sentence of condemnation, may be a title to promotion. But, sir, I own that I am not discouraged by a recollection of the majorities that have hitherto supported ministers, (although, sir, such is my reverence for a majority, and so parliamentary is its nature, that a majority of one is entitled to as much respect as of an hundred,) because, sir, fortunately we have lately learnt that a resolution sanctioned by the whole chorus of the majority may be rescinded by the same majority, and that papers denied when wanted to elucidate the proceedings by which the safety and honour of England were endangered, will be granted, when any one of his majesty's servants thinks such papers are necessary to his own vindication. Since majorities can so easily change their opinions for such purposes, it is but treating them handsomely to suppose, that a similar change may take place when such a change is demanded by their duty and their consciences.—The facts of this astonishing event are few and striking. In a season of profound peace with Denmark, and in truth at a time of increased communication and connection with that neighbouring kingdom, a large British army and fleet sail to the attack of its capital, invest it, besiege it, fire it, bring destruction on its peaceable inhabitants, and finally obtaining possession of it, bring home all the ships in its harbour, and all the stores in its arsenal.—This is the transaction which the ministers are bound to justify not only to the consciences of a majority of this house, but to the complete satisfaction of every honest man in the nation, and every reflecting man in Europe, since his majesty confesses in his declaration of the 25th of Sept. 'That 'he owes to himself and to Europe a frank 'exposition of the motives which dictat'ed his late measures in the Baltic.'—And since he adds, feeling it to be a cruel necessity, 'He did forbear as long as there 'could be a doubt of the urgency of the 'danger, or a hope of counteracting the 'means and dispositions of Denmark.'—Whether such a frank exposition of the motives of the measure has been given: Whether every doubt of the urgency of the danger has been removed: Whether not a hope did remain of counteraction by any but the violent means employed? —These are the questions, this is the issue which the house is now to try, and in trying it, the house itself is on its trial, and every man in it too on his own trial, before the face of this country, of Europe, and of the world.—The Justifications are, 1. 'That France designed to obtain possession of the Fleet, by seizing Jutland and Holstein. 2. That Russia had combined with France for this purpose. 3. That Denmark had intrigued with the enemy, and was hostile. 4. That Denmark though friendly, was unable to resist. 5. That the danger arising from these facts, was certain, urgent, and so extreme, as to create a case of urgent, paramount necessity, leaving his majesty's ministers no choice; but, while it was yet time, to seize the ships, and that they might obtain them, to besiege and fire the city and destroy its peaceable inhabitants.'—1. Of the first there is no dispute —It is saying nothing to say that France is hostile, ambitious, active, unprincipled, ready to break all laws divine and human, to obtain her purposes. This we know, and knowing, have not hitherto dreaded her power, or so dreaded it, as to take, till lately, cruel and impolitic counsel of our fears.—Violent and intemperate as the ruler of the French is, it may be said of him as it was of Philip of old, that in one respect, you may never doubt his veracity: you may always believe him when he threatens. Yet even in using this plea, his majesty's ministers have contrived to put themselves in the wrong, or at least to render themselves subject to contradiction, by stating in the declaration that they had positive information of the enemy's determination, which assertion the Crown Prince mentions with indignation, as founding the attempt on mere vague rumour, and pretended information.—The whole amount, too, of the alledged information, extends only to their making preparations for collecting a force. —2nd. 'That Russia had combined with France, for the purpose of putting the fleet into the possession of France.'—See declaration against Russia, p. 4. and Mr. Canning's dispatch 28th Sept. p. 9. Of this combination the only proofs offered are, an assertion that such a confederacy formed part of the secret arrangements at Tilsit; and another assertion, that information to this effect had arrived from Portugal.—This intelligence could not have arrived in time to occasion the expedition; nor is it to be depended on, since it came from that Portuguese minister who had misled us in his communications to a former ministry, respecting the arrival of the French at Bayonne. This, sir, is distinctly and directly contradicted both by Russia and by France; and such a confederacy is utterly inconsistent with the conversation that took place between the emperor of Russia and lord Hutchinson. Lord G. L. Gower vindicates our conduct towards Copenhagen, by alledging the intention of France, and the positive data he had of such intentions, but he says nothing of the confederacy; and speaking of this vindication in a subsequent dispatch, he says, 'that so far from concealing the reasons which produced that expedition, he had declared them with the utmost frankness.' In Mr. Secretary Canning's reply to the dispatch of 2nd Sept. he says that his 'majesty entirely approved of the answer returned by lord G. L. Gower to general Budberg's note, on the subject of the operations at Copenhagen.' Lord G. L. Gower also in another dispatch, states expressly 'that it was sometime after this that the French mission considered itself as having triumphed.' —But, sir, the dates alone are sufficient to destroy the credibility of the pretext, and with its credibility to destroy too all our pretensions to veracity and justice. The treaty was signed on the Niemen, on the 8th July, and the order for the sailing of the expedition was on the 19th. It is remarkable, too, that the object of this expedition had been announced several days before in more than one newspaper. The collection, too, of so extensive an armament required much previous exertion, and much previous time; nor will any facilities arising from former preparations, account for the early embarkation. This plea, however, has not been supported by refusing papers, &c. and has been abandoned. Russia was at issue with the declaration on a question of fact, and his majesty's ministers have run out of court afraid to stand trial.—On the whole it it seems to be believed that his majesty's ministers might have received some intelligence to the supposed effect, but that they found themselves deceived, after having largely rewarded the informant, and that having used the allegation as a pretext, it was not possible to own that they had been duped.—3rd. But, Denmark has been charged with having been caught intriguing with Russia and France, and with having been guilty of collusion. Sir, the ministers in advancing this charge, which was so soon abandoned, seem to have acted on the base principle of giving others a bad name, that we may save ourselves the trouble of doing them justice; and the same unjustifiable motive seems to have actuated them in charging her also, more generally, with bearing an hostile mind to this country. The hon. secretary endeavours to prove it from the conduct of the Danes in 1801, (ascribed in the declaration only to an inability to resist the dictation of Russia and France,) and from their joining the armed neutrality in the American war.—Now, sir, it is not denied that Russia was concerned, or rather was the principal in both these hostile acts, and yet we properly enough confided in her subsequent treaty with us, and hostility in Bohemia and Poland, against France. Were we to reject her aid, or at least to place no reliance on it, because she had thought fit to be jealous of our maritime superiority, to shew disgust at some of the exercises of it, and to combine for its diminution? But, while the hon. secretary was consulting history for past proofs of present hostilities, why did he stop so short? If he had but gone back to the Heptarchy, he might have found irresistible evidence of the hostility of Denmark, and of the propriety of revenging on the Danes, our contemporaries, the injustice we had sustained from their forefathers. Sir, there is undoubtedly some levity in such a remark, but the right hon. gent. must be the last to complain of the introduction of levity into important affairs, and indeed it is very difficult to treat such arguments in a grave manner, or to honour such frivolous reasons with the ceremony of serious confutation.—Not satisfied entirely to rest the proof of this hostility on such feeble grounds as these, the respectable authorities of lord Grey and Mr. Garlike have been introduced to support this accusation against the Danes: to both of whom have been imputed declarations of their belief in this supposed hostility. It is unnecessary for me, sir, to comment on the peculiar mischief that may arise from encouraging any minister to be at once so communicative a member of parliament of extracts from documents to answer a purpose in debate, and so reserved a minister when the whole of the documents are wanted by parliament to enable it to judge of the necessity of a new war; because, sir, the futility and unfairness of such an imputation have been abundantly shewn by the subsequent defences of the noble lord, and by subsequent proceedings in this house. It is enough now for me to state, that neither the noble lord, nor our minister at the Danish court, did, in their dispatches, express any opinion of the sort that has been imputed to them. I am well aware that here, sir, there are topics of censure against the right hon. gent. which are fruitful enough and would be tempting, were it not that these circumstances have undergone a separate and serious discussion here, have incurred a solemn reproof elsewhere, and were it not also that I have no pleasure in dwelling upon the misconduct of that right hon. gent. of such extraordinary talents.—But, sir, in reference to the letter of lord Howick to Mr. Rist, I must say, that a most unstatesmanlike and illogical use is made of dispatches, if controversies of a commercial kind, however warm and eager, are to be considered as indications of a disposition to fixed political hostility, of a determination to aid the French in their endeavours, not merely to humble but to annihilate this country, to extinguish the light of the world, to beat down the head of the Protestantism of Europe, and, as I might have called it, before the fatal expedition which is the subject of our consideration, the bulwark of civilized society, and the last assertor of the humane and beneficial laws of nature, and of nations.—Sir, there is a peculiar, an allowed irritability to such commercial discussions—something of the spirit and of the haggling, and chaffering, even of the pettiest traders whose interests are at stake, enter into the discussion between the powers themselves, and have never before been considered as evidences of an alienation in our political relations.—If such disputes are to be taken as evidence of an intention to go to war, we never can hope to be at peace; and here, sir, I cannot but observe that many of the commercial regulations in France and in other countries of which we complain, they have an undoubted right to make even in peace.—But, sir, here too I need not content myself with observing that ministers have not offered even the semblance of proof; for here, too, there are not wanting presumptions, and proofs of a positive kind, tending to discredit wholly this unfounded charge against the Danes.—In the first place, no such charge is made in the Proclamation issued by lord Gambier and lord Cathcart, nor is any such made in the Declaration, which only slightly intimates that Denmark might be hostile, because she was once before engaged in a hostile confederacy.—The encampment, too, of their forces in Holstein, where they might be of use against France, and in Zealand, where we might be expected, is another presumption, and not to be reconciled to the supposition of her having engaged in any confederacy against us. She had not made any demonstrations with her navy, which continued just in the same state of preparation in which it had been for nearly half a century, nor could it have been ready for sea, in less than six or eight weeks. Her merchant ships were, too, chiefly in our ports, or in the seas which we command, and her sailors were distributed over the world, but mostly in our employ and in our power. Even our West India ships have been chiefly manned by Danish sailors, our native seamen having been constantly impressed into his majesty's service, so that merchants can scarcely retain even the ship's apprentices, and too frequently even the masters themselves are carried off. There are, indeed, a few invalided men from our ships of war, and here and there a single landman who wishes to go to sea; but all the remainder of the mercantile crews are Portuguese, or Swedes, or Danes; of the former a few, of the Swedes more, but incomparably the most have been Danes. And this, sir, has been the fact for many years. I leave the house to judge the importance of this fact, both as it affects our power of retaining them in case of hostility, and as it leaves little doubt of the tempers of the seamen themselves. They have, indeed, for more than ten years been half Englishmen, and the Zealander, Holsteiner, and Norwegian sailors have become almost as much attached to this country as to their own.—It so happened, sir, that at the time of the expedition sailing, most of those Danish ships were here which bring the summer importation, and carry away those articles of our manufactures and colonial produce, which they want for their autumn trade and their winter consumption. It is usual for the Danish merchant or captain who order these goods, to give to the manufacturer or dealer a credit on the merchant here, to whom the sale of the imports has been consigned. — Of the merchants one of the most extensive and respectable is the Danish consul, and to him frequent applications were made by the manufacturer or dealer for his opinion as to the probability of war, and prudence of preparing the goods.—So slow, sir, was this gent. to believe that hostility would ensue, that I know that he steadily persisted in advising the captains to be tranquil, and the tradesmen to go on, although his own interests and that of his correspondents must have been deeply injured by such advice, if founded on error.—And now, sir, I am come to the consideration of that case of 'urgent, imminent, paramount, irresistible necessity,' but it is gone, vanished, and has left no traces. I can find no substance left, not enough to set up even as a man of straw, that I might combat it. For, sir, every failure of the reasons assigned for each separate cause of dread, the abandonment of the plea derived from the alledged articles, or engagements, or arrangements at Tilsit, from the charged, but abandoned collusion and hostility of the Danes; as well as the deficiency of proof even as to their inability when aided by us and by the Swedes, all these are so many props taken away from the support of that crazy building, the fortress of the arguments of ministers, namely, that the danger to this country was certain, extreme, and imminent, and the possession of the Danish ships the only means of averting it, creating together a case of urgent necessity, leaving his majesty's ministers no choice, but, to use their own words, while it was yet time, to seize the fleet and stores, and in order to obtain them, to bombard the capital and destroy its inhabitants.—Sir, but as to the case of necessity, it is my sincere opinion, that had the danger been made out, the necessity could not have been inferred, and this, I know not how, seems to have been too much taken for granted even by those who deny, and justly, the existence of such necessity. We look too much at our own fears, and too little at the other link of the chain, the means of delivering us from danger by the possession of the Danish ships and stores. This latter part of the necessity we have never been suffered to dwell upon, but it has been hurried away from our contemplation almost as soon as it has been offered to it. Ministers have the courage to say, as I have already observed, that they have saved their country, because they have seized the ships in a way much more likely to endanger than to secure us.—They say they have worked a miracle, but, alas, there are no believers. —Saviours of their country!—They have at least the reward of virtue, although without its merit, for it seems that they are happy in their own approbation.—But these are vain boastings to conceal their fears, and vainer self praise to conceal their humiliation.—Sir, we have not got possession of the fleet of Denmark—the fleet—the fleet of Denmark, this is the constant boast.—We have only the ships, the carcasses, while the living, animating, principle has escaped from our grasp—and is gone to assume some new and terrible form in aid of our bitterest and most powerful enemies. We have left behind us, the real dangerous enemies, the sailors, the harbours, the docks, the resources of Denmark; and we have obtained the hulls of ships, valued at less than one quarter of the sum which is the usual estimate of our efficient vessels, and we have lost what might have been, must have been ours, had not our affairs been mismanaged. We have lost in Zealand the outpost which must have been the impregnable defence of this country.—Sir, the words and the images are not pleasant, but I know not how else to illustrate the exploit of ministers, than by saying that they have taken the empty purse and a few copper coins, but have left the silver and gold for a more dextrous and sagacious robber.—Sir, in the Declaration, and in the Speech, and in the Proclamation, and in the arguments of ministers, after the most earnest and patient examination, I can find nothing but what is frivolous and unproved, but a constant reference to the power and inveteracy of France. Still some flourishing declamation against the inveterate enemy, though less than heretofore pressing against him the charges of being a violator of the laws of nature and nations. This one argument is to serve the same purpose, that of supplying the deficiency of all others. Is the argument from the secret articles a little the worse for being exposed to examination?—A tirade against France and her misdeeds is the resource;—is the proof of the 'hostility,' &c. of the 'inability,' &c. Still the same dish in every course.—Beef at top, at bottom, and on each side, hot, cold, and réchauffé; and declared, like brother Peter's crust, to be at once fish, flesh, and fowl, though nothing more than the old half-eaten mouldy morsel on which this house has been fed, or rather starved, for so many years past. This fear is at war with our honour, trade, constitution, and with our security.—I own, sir, that herein I have discovered some proof of the sincerity of ministers, in their belief and fear of that extreme danger which they assert:—for fear, sir, confounds the understanding, disturbs the imagination, and suggests counsels the most absurd or the most mischievous. It magnifies what is little, and almost creates what does not exist. It sees giants in windmills and enchanters in flocks of sheep. It has so subdued the minds of his majesty's counsellors, that, like the painter who had painted an infernal spirit, they have been driven out of their senses, by the image of their own formation.—Sir, had we lost our confidence in the navy of G. Britain, since its great and glorious victories at Trafalgar, and under sir Rd. Strachan, and at St. Domingo? Was England in such danger in 1805 as that we then had thoughts of seizing on all the means of defence? Is it a correct account of the state of the public mind then, and of the apprehensions of the ministers at that time, that we were trembling for our safety, because the combined fleet was at Cadiz. No, sir, all that was then wished for, and prayed for, was that which then did happen, the coming out of the hostile navy, and all that was then expected, was what did then take place; a great, decisive, and honourable victory.—Sir, it seems to me, that is a clear, intelligible, decisive answer to the plea of necessity; but it is clearer than the light of a summer's day, if we attend to the great, the inestimable, the necessary addition to our force, or diminution of our fears, which is said to arise from the possession of the spoils of Denmark.—Saviours of their Country!—Are, then, the valour and the discipline of the navy, the valour and the discipline of the army, the valour and discipline of the militia, the patriotism and the numbers of the Volunteers of so little value? Are the virtues that animate these our real defenders, these our real saviours, of so little value, that they stand in need of a little fraud in the administration to eke them out, and render them equal to the defence of England? They say, they have saved their country, by depriving Buonaparte of these ships.—They have stunned the lion, and not killed him.—No, sir, this is not the way to lay the gigantic enemy in the dust.—Were, however, sir, this supposed case of 'necessity,' supported by reasons less entitled to our contempt than those which have been urged, I must own that I think that there is one consideration which, in a sound and well reasoning mind, it would have been difficult to surmount.—I trust, and I believe, that in declaring my trust in this, that I shall not be confessing a vain, romantic, and unsubstantial faith, but a solid, serious, and well-founded conviction.—I own, sir, that I cannot believe that such a change, such an awful change, has taken place in the world, as to render a breach of the law of nations, and a violation of neutrality, the necessary means of security, for a great and noble nation. It has never yet happened, and I am as confident, as I can be of the existence of any being superior to man, that England would not have been annihilated, if she had preserved the maxims of good faith. No, sir, no future historian of this country will ever write as its epitaph that she might have preserved her independence, or her rank, if she had been unprincipled, and unjust.—But the ministers say that they have precedents in the conduct of their predecessors, and they alledge the examples of Lisbon, Alexandria, and the Dardanelles: and here, sir, it is remarkable that they seem to have other views for searching into the events of that administration, than the flippant reason assigned on a former occasion. It was said with great and reprehensible levity, that the task of the present ministers was in one respect easy, that they had nothing to do, but to look into the measures of their predecessors in order that they might adopt measures directly contradictory. Here, sir, they seem to have had other purposes in research: they seem to have wanted to steal a little sense for their exercise, to have sought for examples to follow, and not to avoid, but unawares to have fallen into the course which they pretend to pursue, for surely, sir, contrariety, direct opposition, are the only relations that exist between the attack on the Dardanelles, and the precautionary measures taken in the Tagus. In the former they sent out positive directions to the admiral not to take any measures till the minister informed them that war had taken place; and then what was the fleet to do? to enforce the performance of the treaties and engagements of the Turks with our ally. And at Lisbon! they did not bombard the city, destroy its inhabitants, and convert an ally into an enemy; did not take possession of it, and then abandon it; in their Instructions they only gave orders to secure the fleet in the event of a possible case, of the actual invasion of Portugal by the French, and the actual refusal of Portugal to receive aid from us, and to contend with the enemy.—But, sir, all this is merely a fresh instance of that mode of defence to which they have resort on all occasions.—A smart recrimination on the last administration: This practice has been resorted to by the present ministers to an extraordinary degree. Whenever a distinct accusation is brought against them, they immediately reproach their predecessors with some similar error or job.—What, sir, is this to the house of commons? what is it to the country. It is indeed a most convenient mode of defence for those who have no other to plead. It is a good scheme to divert from their own misconduct the attention of the public, who are too apt as unskilful sportsmen to hunt the drag with as much eagerness as the game. It is an evident advantage to those who have many errors and many jobs to defend, to find, or to invent some inadvertence, which, however inconsiderable, may be used as a justification against any enormity.—Few criminals but must escape, if they had a right to their acquittal by giving evidence of the infirmities of the jury, and of the judge. Some people never think themselves right, but when they think others in the wrong. If, sir, the last ministry have been guilty of misconduct, or of meanness, bring forward the charge, let the trial commence. This is what they ask, and the denial of this justice is a pretty clear proof of the futility of the accusation. Sir, this would be to defend forgery by saying, sir, you write your humble servant to a letter. I scarcely talk with a member of either house who does not complain of this. But, sir, this mode of defence has another effect, and I fear one of equal value in the estimation of those who employ it, and has become habitual like an instinct. It keeps up the profligate cry, that all public men are alike; all are interested rogues. It tends to degrade the house of commons, and the men distinguished in the country by their fortunes, education and public spirit. Here, sir, daily appears that favourite object of all administrations, but of two very short ones. In this policy the ministers for more than 40 years have been always steady, always persevering, however fluctuating and trusting for public measures to the expedients of the day. In this policy, for more than 30 years, always, I fear, too successful, unfortunate as they have been in losing the objects of all their wars, and all their negociations. Sir, I have followed the ministers through their defences, and though I cannot praise their discretion, or compliment them on their success, I see something to approve in their taste and dexterity. One likes to see gentlemen profit by their reading. It is an established rule in criticism, that the stile of a composition should be suited to the subject, that when the latter is great, and of high import, the former should be elevated and dignified, but when the matter is mean and poor, the manner of treating it should be humble and low. Sir, they have well suited their justification to their case, for the case is not more atrocious than the justification is shabby, prevaricating, and inconsistent. It varies like a hill of sand in the wind; but, sir, it is needless to stay to enquire whether these inconsistent, contradictory, belligerent pleas are five, or six, or more or less; enough is clear, that they rely on none who venture on so many; that thinking many defences better than one, they set up such as are contradictory. Like the well known story, they attempt to prove two alibis lest one should fail. They seem to think that many sophisms are equal to one good argument, or that arguments should be suited like patterns of dress to different tastes and different purposes. One reason to critical, inquiring, uninfluenced Europe, another to a credulous, confiding, docile majority.—Indeed, their justifications (like Quixote's balsam, that would only cure the wounds of him that had been dubbed a knight,) are of no value but in the estimation of their own right and lawful adherents, and will not go down unless taken in a mixture sweetened by a little gratitude for past favours, or a little expectation of future ones. It has been said by an ancient writer that the augurs in Rome could not meet to inspect the entrails, or feed the sacred chickens, without smiling at each other, and I am much surprized that his majesty's ministers, with such a defence as theirs, can turn round and look their majority in the face without laughing. Indeed they should use their friends with more respect, and should at least appear to believe their own justification before they ask of others to do so. 'Si vis me flere dolendum est primum ipsi tibi' is a rule as good for eloquence in parliament as for poetry in the theatre. In thus examining the trivial, discordant, contradictory, and unsatisfactory pleas of ministers, I can see but little, except their variety, to recommend them. They are so unsound that being exposed to the air they crumble into dust.—This, sir, is the wretched figure which their case makes when stript to the naked truth; and now I may ask the three questions which I stated early. But if, sir, there are doubts, and many doubts of the affirmative of these questions, what then is the situation to which ministers have reduced this great and generous nation? What then are the characteristics of this measure? Sir, it is most painful, however necessary, to be compelled to find that there is so unanswerable a case against ministers, because they have had the power to sully, with their own, the character of their country. It would be useless however, to hope that Europe would be deceived, if we would not enquire, that we could escape from the consequences, because we desired not to understand the nature of the proceedings. Since our conduct at Copenhagen will be understood by Europe for our humiliation and injury, let us be acquainted with its nature for our reproof and reformation:—let us endeavour to understand its injustice and its impolicy, that we may repair the former, and avoid the latter.—I know, sir, that topics of this kind are not popular in this house; that a sort of contempt is entertained for all discussions of right and wrong; that we like to hear of our power, and not of our duties; and that many, even the youngest men among us, treat these considerations with ridicule: but, sir, this is not only far from honourable, it is also far from safe. Convinced as I am, that injustice is only another name for impolicy. Viewing any transaction rather in its general consequences, than in its immediate mischiefs to the perpetrators, I cannot but hear with great apprehension, such invitations, as we have heard of late, to despise the rules and maxims of good faith, sanctioned as they have been hitherto by our own professions, and by our own practices, lest such a scepticism should lead, not only to ignominy, but to ruin.—There seems to have grown up of late a disposition to consider all political morality as an incumbrance in real affairs, and we have recently heard them ridiculed in this house, as fit only for the schools, but unfit for the guidance of parliaments, and of ministers.—And here, sir, I cannot but regret that in this new school, the sages and doctors are our youngest men.—Young men, in whom we expect, and rather wish to find some generous mistake, some graceful enthusiasm, some attachment to the principles, which, if well taught, they must have learnt both from their friends, and their tutors.—I am ready to acknowledge, and to praise the prematurity of their talents, and to own that their understandings have none of the imperfections of their years, but, sir, in their feelings, and in their principles, there seems to be an equal prematurity.—Sir, they have lived long in a little time; there is no youth in their minds: no spring in their years.—They have had the ill fortune, even if their present opinions were correct, to have lost too soon the cheering illusions of life, and I should wish them to believe that if such opinions as they have rejected, were only prejudices, that removing such prejudices is like tearing off one's skin that we may feel the better.—But, sir, these ancient rules are not absurd prejudices, nor is our practice of late right to try how nearly we can go to the edge of right and wrong without passing over the awful boundary. It is better, sir, to keep at a safe distance: for my part, I own, sir, that I cannot consent to go so nearly to the verge of the precipice. My head is not strong enough to stand there, and to survey, without giddiness and terror the abyss of disgrace and destruction below. One cannot help feeling an unwillingness to discuss truths so self-evident, and so important, to which our obedience should be habitual, and implicit. There is a want of respect for them, even in defending them: the controversy necessarily throws an air of doubtfulness over truths however certain and venerable. It is saying nothing, to say that there are exceptions to such generalities, for there are very few, and when they occur they bring the evidence of their necessity along with them. Necessity, if it comes at all, comes like an armed man, and resistance is foolish and impracticable.—There may be doubts, as to nice and difficult cases, but we know, we certainly know, where the truth lies, as we know where about the sun is in the heavens, although clouds prevent his appearance. It is not true that there exists the supposed war between theory and practice, between reasoning and life. Theory may be foolish, may be inapplicable, and theorists may be silly or wicked, but philosophy is no more to be accountable for the errors of philosophers, than religion is answerable for the errors of priests. In the latter case, luckily, we have learnt to make the distinction, but we have still to learn to make it in the former.—But, sir, the authority of this new sect, of this prevalent heresy, needs not shake us in our convictions. It is an old and worn-out sophistry, patched up and vamped, and glossed over for the present occasion. The laws of nations are as true as if they had never been disputed, and all we can say is, that we must pity those who dispute them. The attempt cannot injure even the surface of such solid truths, and the impression will pass away like the effect of breathing on polished silver.—A slight mist that vanishes in a moment.—Ignorance alone can call such opinions in question, and ignorance, we know, is given to despise whatever she does not understand. An untaught man can see in a book only inky unmeaning scrawls, where an instructed mind reads the sublimest truths, or the most affecting eloquence.—I should, sir, however have rejoiced to say, that no authority greater than that of violent party, or ministerial speeches, had lent it's countenance to these dreadful doctrines. No man of humanity, nor of honour, can read, I should think, without shuddering, two passages put by ministers into the Declaration against Denmark. 'That his majesty has long carried on a most unequal contest of scrupulous forbearance against unrelenting violence and oppression. That it was time that the effects of that dread which France has inspired into the nations of the world, should be counteracted by an exertion of the power of Great Britain.' Combining, sir, these passages in the Declaration with the principles avowed by ministers, and their advocates, it seems that, serious as the facts are which we are now considering, that the principles of British policy are to be lowered down to our practice, or rather degraded below it's level.—Men in general are said to become attached to their principles as they do to their children, by the sacrifices they make to them, but we, sir, seem to look back on our past scrupulosity with regret, and to consider all the years of our adherence to good faith, as so much time thrown away and lost.—We are more unwilling that others should be knaves, than that we should be such ourselves.—So, then, it seems, that after contending with violence and injustice, for fifteen anxious years, we are grown weary of the honourable conflict, the noble task, with which all Europe rings from side to side.—We are fatigued by an adherence to the principles and practices of our ancestors, and have begun a race of iniquity with our antagonist, now that he has so long got the start of us. As we are making such good speed, it is fit that we inquire whether we are in the right road, or whether we have forsaken the beaten path and are wandering, God knows whither! into trackless deserts, and dangerous quagmires.

It is fitting that we should pause before we learn this new alphabet of meanness and mistake, for if we say A, we must say B also, and must go through to the last letter. An admission of such principles as are now avowed, is unbounded in its consequences. It is not a sudden gust, but the steady trade wind, that will carry us out of our course into unknown seas and unforeseen perils. Bad precedents are the most dreadful legacy we can leave to those that follow us. They are 'hæreditas damnosa,' like the bequest of Mirabeau to his friend when he left to him the payment of his debts; we cannot get rid of the liabilities, we cannot cut off the entail—for nations, sir, in this world have that future existence, the belief of which is so necessary to prevent individuals from preferring the present tempting violence to the future and permanent reward. The nation of next year and next century must reap the harvest sown by the nation of this year and this century. The criminality of the fact is limited in its extent and duration, and perhaps in it's consequences.—But, sir, to preach violence and rapine, to affirm that there is no rule for human action but the interested judgment of those who happen to have power, this, sir, this is striking a blow at the heart of society. Such a doctrine must be felt in every age, and in every country. It is absolving and proclaiming a general pardon to all the tyrants of the world; for which will not plead state necessity? It is unspeakably important to be correct in our opinion on such subjects, for the happiness and tranquillity of millions are concerned.—To make a mistake, here, in the law that keeps the earth from being a desert, and man from being a wild beast, is most momentous. The law of nations is an extraordinary code, and has most peculiar properties. It is extremely penal,—it inforces it's sentence by fire and sword, in letters of blood, and generally in the blood of the innocent.—In this happy country we require of a penal law that the delinquency should be incontestible, and that the interpretation should be favourable. But in national law there is no public that we now seem to fear, and it is left without tribunal or sanction. We seem to have forgotten not only our sense of honour, but our reasonable fear of retaliation and revenge: our insular situation renders us peculiarly liable to the temptation of departing from this law, for we can scarcely need the protection that it affords. If loss accrues, the only effects are pecuniary. How far this security has operated, it is dreadful to think, and how long we may be permitted to be secure, it is as dreadful to doubt.—Indeed, sir, some symptoms of compunction or uneasiness have been expressed, by one right hon. gent. of whom I am glad to entertain the same opinion, that is entertained by his friends; however frequently the tides and currents of public affairs may accidentally carry him away from the straight course: and he described, sir, this business with a very appropriate epithet, in calling it a heart-breaking one. Supposing the feeling that dictated this expression to be serious, he must be aware that so small a grain of perfume cannot sweeten such a mass of offence. I take it for granted that his colleagues, too, will claim their share in these tender feelings for the sufferings of the Danes, and for the wounds given to British honour, and it must have been a most amusing, as well as a most edifying sight, to have seen the cabinet assembled on the final decision of this business. What a mixture of policy and morals, of fortitude and tenderness! what a display of white handkerchiefs when they signed the fatal counsel. Yet alas, sir, all this reluctance proves but little for their characters, and only classes them with that destructive, inexorable animal, which devours his prey with his eyes full of tears. Different as their characters are, they ultimately concurred in the shameful advice; and the pharisee and the publican surrendered their doubts to the same temptations.—Now, sir, as to the impolicy of the measure. In the first place, we who were at the head of the hopes of Europe, and perhaps of its affections, as France unfortunately was at the head of its power; we have squandered all the accumulated character of centuries, in one act of prodigal and mistaking violence, and if we are incapable of lamenting the injury done to our own feelings, and to the principles of justice, we still must regret our loss of character, as the loss of power and influence. Even Chartres agreed that he would readily give a fortune for a good character, because he could get a much larger fortune by means of it.—But, sir, there are better reasons; for in politics as in mathematics, the straightest line is the shortest, and in political questions you may in truth judge of the character of a transaction by its consequences. Our injustice and violence are a fresh proof of an old remark; that the vices defeat their own purpose: a man addicted to sensual pleasure, fills his body with pains; and a vain man becomes ridiculous: so does our violence tend to weaken our influence and power, and not to increase them. In this case, sir, we may infer the real characteristics, the atrocity of the measure by its innumerable evils, as you judge of the fury of a storm, by the wrecks it has thrown on shore.—I shall not mention the trade of the Baltic and of Denmark, great as it was, both in imports and exports, but, I shall just advert to the three purposes of the imputed confederacy, enumerated in his majesty's Declaration: 1. To shut the Sound against us. 2. To exclude us from our commercial, and indeed all other connection, with the continent. 3. To seize the Danish navy.—The last, so far as regards the ships, and some of the stores, alone we have prevented, but we have effectually surrendered the former two: for the carcasses of the ships, and a few stores, most dearly bought, even in a pecuniary view, by the expences of the expedition, of which the wretched, the scandalous inventory is on your table, we have surrendered both the first objects, in shutting ourselves out of the Sound, and from the continent. We have given up the sailors, docks, and harbours; we have lost an ancient, useful, and neighbouring ally, of the same religion, and governed by the near relation of the illustrious family on our throne. We have laid the certain foundations of a deep, incurable, imperishable hatred in the Danes, to be taught them in the nursery, to be confirmed and revived every time they pass through the marks of our violence on their capital, on their palaces, and their altars.—We have exposed Sweden, for how can we hope to defend her, exposed as she is on the east in Finland, and on the south in Sweden itself. We have alienated Russia, for after lord Hutchinson's statements, and even after lord G. L. Gower, we can have no doubt that the emperor's hostility previous to our bombardment of Copenhagen, was reluctant, and would have been languid, but since that unfortunate and unprincipled affair it has become hearty, and will be vigorous. In the first cases we might have expected tardy and ineffectual force in the field, and on the sea, and ill-executed prohibitions of our trade. —They have alienated Russia, for if there was a probability that the English party in Russia was strong and discontented, and that the force of public suffering from the rending asunder of our ancient ties of connection might have spoken out so forcibly, as to influence even the emperor himself, powerful as he is. How easy have we now rendered it, for his ministers to excite popular indignation against us? how easy now for the French party to suppress and silence the friends of the English?—But, say the dispatches of the ministers at the Russian court, and say the ministers here, the symptoms of returning confidence appeared after the intelligence had arrived at the court of St. Petersburgh. If this be so, if the court of St. Petersburgh is of so peculiar a character as to be pleased when its influence is braved, its allies conquered, and its purposes defeated, what a pity that the connection between that court, and our ministers, was broken, since the latter, judging from the remarkable passage in the Declaration, are so willing, so determined in future, to conciliate all our allies, by acts of violence, fraud, and rapine.—Why, sir, did we not further conciliate her by seizing the squadron that passed us? But, sir, to be serious, since such is the determination of the present administration, instead of regretting, we should rejoice that we are at last left without an ally to betray, and without a neutral nation on the earth to pillage and destroy. The value of our connection with Russia is inestimable, and here we have an unexceptionable proof, for in one dispatch of the secretary of state it is urged that the 'only chance of safety for 'what remains of Europe, depends on the 'renewal of a good understanding between 'England and Russia.'—And, sir, from the interesting conversation lately published, between a noble lord, then on an important mission, and the emperor, it is easy to perceive the profound and mischievous impression, produced on the emperor's mind, by this unexpected and outrageous transaction. As I have already intimated, the emperor's reproaches express at least as much sorrow and regret, as they do indignation, and a determination to obtain satisfaction.—What, indeed, can be more just than his imperial majesty's observation, that now we have gone beyond the outrages of the government of the French, that we had now justified all their proceedings, and that if such proceedings were admissible, there is an end to all relations between state and state, that anarchy had begun, and that all were at liberty to do as they pleased.—Sir, the ruler of the French is an able player at the terrible game of hostility, he not only plays his own game skilfully, but he plays well to the blunders and faults of his antagonists. In one fatal transaction we have furnished him with an answer to all our manifestoes, declarations, and invocations of the Supreme Being to aid our cause.—If we speak of the capture of our ministers, the violation of neutral territory at Anspach, of the murder of the last hope of the Condé family;—his reply will be, 'but you besieged Copenhagen.' If we call for vengeance on his head, and reproach him for the blood that he spilt in Switzerland, for the subversion of their peaceful governments, and the destruction of the freedom, the independence and the lives of its virtuous inhabitants, he again can answer, 'look at home, you justified me at Copenhagen.'—If we call for indignation to descend on his head, because of his revolutionary frauds and violences in Italy and Egypt, he will again reply, 'and you, you besieged and fired Copenhagen, and stole its navy.' Alas, sir, what with the conduct of France and England, the ancient tranquillity of Europe is disturbed, never to be restored, and all nations must hereafter, whatever be the distressing expence, whatever be the horrible inconveniences, stand as it were in arms, and perhaps in Europe, as in the turbulent and disorderly governments of Asia, the husbandman must sow and reap with arms in his hands. Now, sir, though this answer is not effectual for his vindication; it is effectual to silence, disgrace, and humiliate us. He will do more: he will feel relieved from those embarrassments, which some regard to the opinion of Europe threw in his way, when he permitted Austria to retain possessions which he wants, Prussia to keep, and Italy to be divided into something like kingdoms. Why not add Spain and Portugal to his kingdom? The greatest mischief that the vain and unprincipled Louis xiv.th brought upon Europe was the necessity of preserving peace by the cumberous and burthensome aid of immense standing armies. This necessity is now most grievously increased by France and by us, and no place accessible by land deems itself secure from her: so in future can none accessible by sea, repose as heretofore in unarmed security. But, sir, its effect in discouraging this nation, is perhaps, more prejudicial than its encouragement of France, Russia, and Denmark, in their hostile attempts. Many eloquent exhortations have been published in every form, inciting the people to bear all burthens and brave all dangers cheerfully, in defence of their wives, their children, their sovereign, and their religion. Will the people of this country hereafter forget that the Danes, too, at Copenhagen, had wives and children, their sovereign and their altars, to defend against us, the invaders? Will no recollection of our violences in Denmark lie heavy on our spirits, when called upon to resist the violences of the enemy, retaliating upon us. Is there no change now in the spirit that animates both the parties in this terrible contest? Will not the hostile myriads on the opposite shores feel an increase of ardour and confidence, now that they are called upon to revisit on us the aggressions of our own fleets and armies? Will not this gallant people feel some little abatement of that confidence in their own just cause, and in the protection of Heaven, which in all our papers, our pulpits, our tribunals, and our parliaments, have been held forth as the most rational and steady principles of reliance and security? Alas, sir! the scene is now changed, and if any man now hearing me thinks that this is a light matter, or that these moral causes are mere pretexts, and have no influence on mankind, I pity from my soul his ignorance of human nature, and his mean mistaken conceptions of the motives that actuate it. It was, therefore, no rash, romantic, inconsiderate declaration that was made by a right hon. gent. whose talents and wisdom are far above my praise, (Mr. Windham) on a former occasion, that he would rather that Buonaparte should have the ships manned as they would be by disaffected crews, and equipped by a reluctant government, and that we should have preserved our character, and our influence over the mind of Europe. When I think of the little we get, and of the much we lose, I cannot help despising the folly as much as detesting the injustice of our calculations. To rob a little, as we have done, is to be weak, as well as unprincipled; take all or take nothing, and leave not the injured man a weapon to revenge himself. We have taken up the trade of fraud and violence, too late, for the robber in possession has the advantage of us: our's are the miserable gleanings, but his the full harvest of spoil and iniquity.—Sir, we have heard praises bestowed on what is called the vigour of ministers: with such a want of regard for the interests of human nature, and with such a short sighted policy, inactivity would almost be a virtue. But, sir, a vain desire to be doing something, a restless passion for celebrity, a desire to eke out their want of reputation by some shewy noisy act, has misled them; and, sir, it is unfortunately as hard to obtain a fair fame and an honest popularity, by wisdom and by talents, as it is easy to gain notoriety by extravagance, and excessive atrocity. They seemed determined to engraft their names on some striking action, and they have had recourse to injustice, that they might attract observation.—And, sir, though it requires great patience, perseverance, and wisdom, to raise the fabric of a fair character and of great influence in Europe, yet the madness or incapacity of a few vain men in power can lay it in the dust in a few moments. Though one begins this subject with indignation, one ends it in grief. This, then, sir, is the situation in which we now stand, after this convulsive effort of insane exertion: Denmark has been invaded, despoiled, insulted, degraded, and exasperated beyond the remedy of restitution and repentance: Russia has been wounded in her pride, alienated in her policy, and driven into determined hostility: Sweden is exposed to imminent ruin, which even now is bursting on her head: France is justified, encouraged and strengthened in her course: and the rest of the world is turning away from us in disgust, regret, contempt, and indignation. And all these calamities, this nakedness of condition, we owe to ourselves, to our own violences, and not to the enemy. Hereafter, all our misfortunes must be embittered by the consciousness of having deserved them. In this portrait I do not recognize the ancient features of my country, the accustomed characteristics of England. They are defaced and destroyed by the misconduct of those who guide her affairs, and we are hesitating, or doing worse, we are meditating to involve parliament in their disgrace. Let us stop, to use the language of the Declaration, while it is yet time, and withhold our sanction, if we have not the fortitude to censure their misdeeds.—Sir, it is difficult, (I have found it impossible) to speak of these events without using, however unwillingly, the expressions of warmth and of resentment: but, sir, this is the fault of the case, and not the fault of the speaker, of those who have been guilty of the transaction, and not of those who describe it.—I know not what the feeling of indignation was given us for, if it is not to be excited and justified by such a proceeding. It is not our fault, if the circumstances are such as to give to the plainest narration the colours of the severest invective, and if the unexaggerated facts cannot be stated without the use of words suggested by the feelings necessarily associated with such events. I am aware, sir, that to suit the temper of a majority of gentlemen here, it would have been prudent to subdue one's best emotions, and to dilute their natural expressions.—It was once said by a man of rank and influence, which he had employed to the unspeakable mischief of his country, that he had derived considerable advantage from the nature of his actions being such, as to render an honest adversary averse even to the mention of them. There is some such sad and profligate advantage, arising to the perpetrators of the violences at Copenhagen, that their conduct cannot be spoken of properly but in a tone and manner not approved in parliament, which has such an aversion to what is called declamation and vehemence, that it will scarcely endure them, even when the language they use, is the only language suited to the occasion. Sir, I allow that gentleness, civility, and self-restraint are no small virtues, but on such an occasion as this, there is one thing fairly worth them all, and that is—truth. In the little transitory controversies of wrangling parties, let the former appear and please, but here, sir, on this occasion, let no man be blamed for the only terms that correspond with the subject. If the attack we speak of was not unavoidable, it is impossible to exaggerate either the guilt or the folly. What is meant by candour, and mildness, and moderation, is indeed sometimes of great use in public affairs, and never of more, than when they shelter the errors of ministers from ridicule, and their criminality from detection.—They are, sir, however, not the excellencies of all times and of all seasons; in some they are a want of courage, in others they are want of integrity. The recent violation of public law at Copenhagen, the sudden overthrow of all our commercial policy, the breach of some of our most important and most constitutional statutes, by the rash and ignorant Orders in Council, are all the ill-favoured consequence of an alarming change in our principles of public faith, and of public maxims.—We have heard enough, and perhaps more than was honestly meant of the dangers of innovation, but no innovation can equal the late innovations of the men who are in power.—It is perhaps the greatest evil of the French revolution, that it has let loose a mischievous spirit of scepticism, tempting us to distrust all the maxims of right and wrong that have hitherto kept the world from having more resemblance to a place of torment, than a state of probation.—England, not England—We are invaded—conquered—French principles have invaded us—we are conquered in our hearts.—From the choice of those whose principles and conduct ministers have lately told us that they study in order to avoid them; from the selection of him whom they purpose to imitate; it is easy to infer what will be the future characteristics of their administration.—They have learned, sir, not only to admire the enemy, but to pay him the sincerest homage, the homage of imitation.—Would to heaven, sir, such being their choice, that they knew better what in him to select for their example; but imitators in general are blundering plagiarists, and copy rather the defects than the excellencies of their original.—With such a sensibility to the beauties of his crimes, I wish that they joined some respect for his prudence and sagacity.—Sir, this is a most frightful effect of the successes of the French, that they have subdued the minds as well as the bodies of their adversaries.—Is there something in his faults more congenial to their taste or more level to their talents? But, the translation they publish of Buonaparte's works, is a brown paper edition.—Sir, there are not wanting those, and they are no inconsiderable persons in this country, who see with pleasure both in India and in Europe, the recent appearances of Englishmen having adopted the principles and assimilated to the character of France.—To such, sir, who think that security for England is to be sought in destroying the peace of other countries, that the nation ought to distrust its past experience, ought to be weary of its ancient character, and in short, sir, who think with the Declaration, 'That his majesty has 'too long carried on a most unequal contest with unrelenting violence and oppression; that it is right, that the effects 'of such a system should be anticipated. 'That it is time that the effects of that 'dread, which France has inspired, should 'be counteracted by a similar exertion 'on the part of Great Britain.'—To such men, how fortunate, how providential it must appear, that the changes of last year in his majesty's councils have taken place.—For, sir, if it be necessary that the laws of civil society should be broken, if it be necessary, 'that the commerce of the country should be annihilated, if it be necessary that the ancient, the enviable constitution of England should be suspended or foregone, how much are we to be congratulated, that ministers have so little understanding of the one, and so little respect for the other. Too much regard for the value of public character—too much knowledge of the value of our trade and manufactures—too much affection to our inestimable constitution—might disable them from carrying these needful violations into full and sufficient effect.—And indeed, sir, if, as I believe, the noble and honourable persons who were recently dismissed from their stations, understand their own interests as well as they do those of their country, and if they feel for their own honour as acutely as I think they do, they will be contented, they will rejoice, that they are not called upon to save the state by shedding innocent blood, and by violating the laws of nations and the laws of the land. They will be satisfied with the barren unprofitable duty of defending the great maxims of both, and leave to others the disreputable and mischievous task of establishing the exceptions.—Sir, I hope these honourable persons will continue their meritorious exertions, however small the numbers may be that support them in this house.—With such a case as theirs, they cannot fail of success, if they do but persist. Perseverance in a doubtful purpose makes a doubtful purpose respectable, perseverance in a good purpose makes a good cause irresistible. For my part, sir, although for the sake of the house and of the country, I could ardently wish that many may be found to reprobate the expedition to Copenhagen, yet I shall be little dejected, and not at all disappointed, however small the number that is found to concur with me. Besides the duty which a public man owes to his country, he owes something to himself; and I own, sir, that if some attempt had not been made to restore the national character, and if, while I had the honour to sit in this house, either indolence or timidity had deterred me from exerting, to the utmost, my feeble powers in the support of such an attempt, the recollection of having had a seat here, would be a never-failing source of regret and self-reproach—*Liberavi animam meam.*—I have discharged what I feel to be my duty, and I am sure of my reward in the satisfaction of having overcome my reluctance to present myself to the house on so important an occasion. I shall have entered my protest (and shall have given other gentlemen more able an opportunity to do the same) against a measure, which in my conscience, I think to be equally injurious to the character and to the interests of my country, and, in defence of which, I have heard no facts alledged but such as are untrue or unproved, and no arguments employed but such as are inapplicable or frivolous.—I shall conclude, sir, with moving, "That an humble Address be presented to his majesty, submitting to his majesty, that we have attentively considered all the information before us, respecting the late attack on Copenhagen. and the war in which we have consequently been involved; and that we deeply lament to have found it imperfect, contradictory, and unsatisfactory in all its parts.—That respecting a transaction in which both the honour and the interests of our country are so deeply concerned, we had hoped for the fullest explanation.—That the principles of our constitution, and the uniform practice of his majesty and the sovereigns of his illustrious house, require that parliament should be distinctly apprized of the true grounds of entering into new wars, and especially in a situation of the country so extraordinary and unprecedented as the present.—That had Denmark been a party to any hostile confederacy, either for menacing his majesty's territories or invading his maritime rights, our resistance would have been necessary, and our warfare legitimate; and that under such circumstances, this house would only have had to regret that his majesty should have been advised so lightly to abandon the ports and arsenals of that country; for, that had the alleged danger been real, the possession of those ports during the war would have afforded the best security against that danger; whereas the abandonment of them has now left us more than ever exposed to it.—But that we can entertain no doubt, that instead of engaging in hostile leagues, Denmark wished only to maintain her neutrality; that this fact is proved even by the imperfect documents which have been laid before us; and is distinctly acknowledged in the proclamation issued by his majesty's commanders immediately before the attack.—That not only was Denmark no party to such a league, but we see no ground to believe that she was privy to it; and the very fact of its existence is, to say the least, in the highest degree questionable.—That the conclusion of any secret articles at Tilsit, affecting the rights or interests of this country, appears to have been uniformly denied, both by Russia and France; and that the correspondence of his majesty's secretary of state, and the dates of the transactions, prove, that if any such articles did exist, his majesty's ministers were not in possession of them, when the attack was ordered against Copenhagen.—That his majesty's ambassador at St. Petersburgh, in an official note, rested the defence of that measure, not on the hostile purposes either of Denmark or of Russia, but solely on designs which it was said the French government had long been known to entertain.—And, that his majesty's ministers not only advised his majesty to abstain from those measures of hostility against Russia, which it was their duty to have recommended, had they really believed in the existence of such engagements; but they actually solicited her mediation to extinguish that war, and her guarantee to defeat those projects, in which it is now pretended she was known to have been a principal and contracting party.—That allegations, thus inconsistent with themselves, and contrary to admitted facts, rather weaken than support the case to which they are applied.—That, with respect to the pretended necessity of the case, we beg leave respectfully to assure his majesty, that we cannot think so meanly of the power and resources of his empire, of the spirit of his people, or of the valour and discipline of his fleets and armies, as to admit that such an act would have been required for any purpose of self-preservation.—And that, whatever temporary advantages the possession of the ships and stores taken at Copenhagen may afford, have been more than counterbalanced by the increased dangers arising from the manner by which they have been obtained.—That this measure, so highly objectionable both in policy and in principle, has augmented the number of our enemies; has animated against us the passions of whole nations, who before were amicably disposed towards us, and has, above all, shaken our own reliance on the justice of our cause; the only sentiment which has hitherto upheld us in all our difficulties; commanding the respect of other nations, and inspiring our own people with a confident expectation, under the blessing of providence, of a successful termination of a long and arduous contest.—That we are ever unwilling to pronounce definitely on a measure, the whole grounds of which are not before us: but that, in a case which above all others required the clearest proof, we have the deep mortification of being compelled to acknowledge, that every presumption is against us; and that no evidence has yet been adduced on which we can safely rest the defence of our country, from accusations the most injurious to our national character."

Mr. *Stuart Wortley* said, the whole of the criminality imputed by the hon. member who had just sat down, rested upon an erroneous supposition, that his majesty's ministers charged Denmark with being in collusion with France. The Copenhagen Expedition was undertaken, and justified, on the grounds of the unquestionable and declared intentions of the French government to turn the whole power of the continent against England; and the inability of Denmark to resist the coercion of France, and her unwillingness to irritate, by any appearance of a disposition to resist. The hon. gent. went through all the arguments advanced in the former discussions relative to this subject, to shew that France was determined and prepared to force Denmark into her system; and that Denmark was unprepared and undetermined to make any opposition. He stated, from high authority, that if the Expedition to Copenhagen had not taken place, France would have had under her controul, and at her disposal, a fleet of 70 sail of the line, from Antwerp, North, including Dutch, Danes, Russians, and Swedes; for when menaced by Russia on one side, and France and Denmark, with the whole of the Danish fleet on the other, Sweden could not long hold out. He concluded, from a view of all the arguments, that the capture of the Danish fleet was not only necessary and justifiable, but highly commendable. In that view he thought the house bound to set a fixed mark of its approbation on a measure which it had repeatedly sanctioned with its full assent in a variety of forms. He therefore designed, after the present question was disposed of, in the manner in which he was sure the house must, from every principle of reason and consistency, deal with it, to propose a resolution, stating "That this house, considering the Declarations laid before them by his majesty's command; the state to which the continent was reduced in consequence of the negotiations and peace of Tilsit; the avowed declaration of the French government to exclude the British flag from every port in Europe, and to combine all the powers of the continent in a general confederacy against the maritime rights and political existence of Great Britain; most highly approve the prompt and vigorous measures which were adopted by his majesty's ministers, for the purpose of removing out of the reach of his majesty's enemies the fleet and naval resources of Denmark."

Mr. *Porcher* highly approved of the expedition to Copenhagen. He expected to have found some novelty in the arguments advanced to bring the house to decide against the merits of the measure, after it had so often sanctioned it with its unlimited approbation. But when he reviewed the whole speech of the hon. gent. on the other side, he found nothing in it but old friends with new faces.

Mr. *Orde* thought that ministers had no ground of justification for their attack on Copenhagen. If they really meant to counteract the projects of Buonaparte, they should have co-operated with Denmark in resisting his forces, instead of having committed a most violent act of aggression. Our conduct on that occasion, he considered to be the greatest triumph gained by the enemy during the present contest, because it was a proceeding which justified all his oppressions and other measures of rigour, violence, and plunder. How degraded must Great Britain have appeared after the perpetration of such atrocity! We who had shed our blood, and expended our treasure, in support of the laws of nations and of justice, had, after a struggle of many years, debased ourselves by a violation of every principle which had raised our character in the eyes of the world, and held us up as the guardians of the rights of nations. It was fortunate, however, that the people could still maintain their weight, and that we might be able to rescue the country from the dishonourable condition in which it had been placed by ministers. In the hope of accomplishing this desirable object, he felt himself called on to support the original motion.

Lord *G. L. Gower* hoped the house would indulge him while he stated a few facts, on the ground of which he felt himself bound to dissent from the Resolution, and to support the Amendment which it was proposed to introduce upon it. He had listened to all the arguments advanced to support the resolution, and there was not one among them which gave him reason to doubt, that if the expedition to Copenhagen had never taken place, we should now have been equally at war with Denmark as we are. It was the known and avowed determination of the French government to force all the continental powers to take a part in the war, and Denmark, it was notoriously known, wanted strength and resolution to resist the appeal. He had no doubt that Denmark would have preferred neutrality, if left to her option: but when the alternative of chusing between Great Britain and France would have been put to her, he had as little doubt that her inclination and her fears would have led her to prefer France. The house would recollect, from the correspondence of lord Howick with Mr. Rist and Mr. Garlike, that when the court of Denmark was most loud in complaint of the Order in Council of the 7th of January, which was in strict conformity with the law of nations, it was, at the same time, taking all possible pains to palliate the French Decrees, which went to violate the neutrality of every nation. He would also bring to the recollection of the house, that all English letters had been prevented from passing to and from the continent by means of the Danish post; and that Mr. Thornton had been, in consequence, obliged to make use of special messengers, when he wanted to send any dispatch of ever so little moment. It was also material to consider, that the new system of maritime law announced by Buonaparte was in perfect conformity with the known policy of the court of Denmark, with the principles which had employed the pens of the ablest Danish writers, and with the feelings and interests of the whole Danish people. From all these considerations, there was no doubt on his mind, that if Denmark was put to the alternative, as she certainly would have been, she would have preferred the alliance of France to that of Britain. It was said, that the emperor of Russia was, in the feelings of his mind, favourable to the cause of this country: this was a statement to which he could give no credit. He thought it very natural, that when a man conceived that he had been deserted by his friend on an arduous occasion, his feelings should recoil against that man who had before been his friend. He was, however, persuaded that the emperor of Russia had too great a regard for his subjects to involve them in a war with this country, merely for the purpose of gratifying his own private feelings or resentments, but that he was bound by sacred engagements to adopt the line he had taken. When he himself had felt it his duty to ask information from Russia as to the secret articles of the Treaty of Tilsit, the Russian ministers did not deny them, but simply advised him to use all the influence he had with his court to make peace with France. It was by making a peace with France that we could alone hope to escape the ill effects of those secret arrangements. Those arrangements were perhaps not altogether dictated by France, but might be agreeable to the policy and the views of the emperor of Russia. It might be recollected that in the year 1805, before the emperor of Russia was disgusted with the unfortunate issue of the battles of Austerlitz, Jena, and Friedland, he would not allow his ministers to sign the treaty of alliance with this country, without expressly declaring, that if it turned out, upon examination, that there was any thing in the maritime code of England contrary to the principles of justice, the emperor of Russia would use his good offices to have it remedied. As soon as the Russian army returned from Tilsit, the emperor ordered the fortifications of Cronstadt and his other ports to be repaired and enlarged; and he himself had heard, from a very high authority (whom it was not necessary to name) that it was proper to act cautiously with respect to England, or, to use the French term, 'il faut menager l'Angleterre.' He was convinced in his own mind, that there was no possible way of avoiding a Northern confederacy, except by making a peace with France. The Danish fleet was, however, the principal means which the Northern nations possessed, and the capture of it weakened most materially the Northern confederacy. He could not, however, conceive, that the merit of the present ministers, in sending out the expedition, was any thing more than a negative merit. He thought no set of ministers that the country could have, after the information which he was sure had been received, could have avoided sending the expedition. At the same time, therefore, that he approved of the measure, he thought it so obvious and unavoidable, that there was no occasion for voting any particular resolution of approbation of ministers.

Mr. *Abercromby* supported the Address. The expedition against Copenhagen was admitted on all hands to be a departure from the acknowledged rule and practice of nations; and in order to justify this deviation, ministers ought to have proved that they neglected no means which might be calculated to stimulate Denmark to active exertions in her own defence; that Denmark was incapable of defending herself with the assistance of this country, which could only be done satisfactorily by the report of military officers; that in consequence of the expedition they had procured for the country a substantial and permanent security. They ought also to have proved that the expedition was defensible, as well on the ground of policy as of justice. But as there was no evidence in the papers which had been laid before the house to prove any one of these positions, he should certainly vote for the Address.

Mr. *R. Thornton* vindicated the conduct of government, and thought it not right to do so by a silent vote, but to state his reasons, that he might not seem to contradict his vote on a former night, relative to the subject of a treaty made in our India possessions. He said that France had issued her decree over the continent; "the house of Brunswick has ceased to reign." He defended the conduct of ministers in the attack upon Copenhagen from the hostile sentiments which Denmark was known to entertain against this country on the late occasion, and which she had likewise manifested in 1780 and in 1801. A great deal had been said upon the morality of the measure, but he reminded the house that ministers had a moral duty to perform to their own, as well as to other countries; which was, to vindicate its rights, and to watch over its security and independence. Gentlemen also had talked much of the law of nations, forgetting the important circumstance, that now there were no nations on the continent of Europe but one. They had all been swallowed up in the vortex of France. Russia was France, Germany was France, Prussia was France, Denmark was France; the law of France was the law of nations, and what that law was, how equal, how moderate, how forbearing, gentlemen might judge. Let us not obey a name and a shadow, or call that a neutrality which, in fact, depended upon the dictates of France. Denmark had pursued a system of hostility against this nation in the year 1780, had renewed it in 1801, and had shewn a hostile mind in the last year. At each of these periods her cry was the same, "the liberty of the seas, and the pacification of Europe." He adverted to her wanton aggression against Hamburgh, when the prince of Hesse marched a body of troops into that place, and ordered it to surrender. He stated, that his connections at St. Petersburgh gave him an opportunity to know that the public mind was set against us, from the date of the Treaty of Tilsit, and before the Danish expedition. That expedition was called at St. Petersburgh a spirited undertaking, but afterwards there was some vibration in the public sentiments, and the influence of France prevailed to keep up hostility against this country.

The *Secretary at War* considered the proceedings at Copenhagen as no breach of the law of nations. There was an engine of war which the enemy meant to turn against us, and we anticipated him by getting possession of it first. He shewed that the Danes were totally incapable of making any resistance in Holstein, and their having taken no step to remove their army to Zealand, or to put that and other islands into a state of defence, even when a large French army had entered Hamburgh, was a proof that no resistance was intended. No other object could be assigned for this assemblage of French troops at Hamburgh, but to compel Denmark to coincide in the views of France. Even the naval force of Denmark, which was essential to the defence of Zealand, was in such a condition, that it required six weeks preparation to fit it to encounter the sea. From these circumstances, it was evident, that there was, in the court of Denmark, a want of power and exertion to defend itself, and a disposition to yield, which it became our duty to anticipate, so far as the effects of it might be detrimental to us.

Dr. *Laurence* observed, in answer to what had been said by the hon. member, that there were still some nations existing, such as Sweden, Sicily, Sardinia, and America. And though all nations had been ingulphed in France, yet the principles of the law of nations would still remain in their full force. Necessity had been urged for this expedition. Certainly, if that necessity was fully proved, that would bring the case within the law of nations; for self-preservation was the first law of nature, among nations as well as individuals. But this must be a real, clear, and incontestible necessity, and not what the caprice of a minister might call necessity. That real necessity had not been proved. The previous hostile mind of Denmark was totally out of the question; and he was sorry that any one had adverted to the particulars of the conduct of Denmark in 1780 and 1801. Upon this principle, Sweden, too, ought to have been attacked in the same manner, for she had proclaimed the doctrine that free bottoms made free goods, as well as Denmark. If former conduct was to be taken into account, there was no violation of law and justice that might not be defended.—The next point was, the engagements which Russia had entered into with France. But, it was impossible that ministers themselves could have believed that Russia had engaged to compel Denmark and Sweden to join with her in hostilities against this country. The impossibility of any such belief was evident from the conduct which they themselves had adopted with regard to Russia. He allowed that Russia might possibly have been at war with us, whether the Danish ships had been seized or not. But there might be a war into which a nation might be driven by an external force, in which, however, she would not put forth half her strength. This would have been the hostility of Russia; but now that was turned into an inveterate enmity. Could France have seized the Danish fleet against the will of the Danish government? Sicily had as yet been defended—Sardinia was still safe—and there was a little comfortable ditch between us and France, and that ditch the French had not been able to pass. Why, then, could not Zealand be defended? That the Danes would have adhered to England when the moment of extremity came, he argued, from the evident interest of Denmark. It would have been insanity in Denmark, as some of the Danes themselves affirmed, to have chosen to join France against England. The disposition of the prince evidently was not to give way to France, as clearly appeared from the papers on the table; and his character was stated by Mr. Garlike as a safeguard against all the efforts of the French party. Mr. Garlike said, that the Danes would not enter into a dishonourable compromise. His apprehensions arose from the consequences of inadequate preparation. But we might have supplied the defect. We might have protected them; but this we never offered—[Coughing.] He wished, indeed, that the history of the conduct of ministers could be drowned for ever, and blotted out of the memory of mankind, by such noise as this. Assistance, indeed, we offered them—but we first insisted upon plundering them, and leaving them in a state perfectly defenceless. Ministers had talked of employing the system pursued by France, and of inspiring dread. But if justice and generosity were at an end—[Coughing.] He begged pardon for using unparliamentary language, for justice and generosity did not seem to be well understood by the majority—but if justice and generosity were at an end, we began our system of injustice and dread too late, as very little could then be made of it. He mentioned several minute circumstances to prove the sincerity of Denmark towards this country, but what put it beyond dispute, was the number of Danish vessels in our ports, the greater part of which might have got away if the Danish consul had not assured the masters that there was no reason to apprehend any hostility with this country. The Danes had, then, every disposition to defend themselves; we could have assisted them if their means had been deficient, and there was not, therefore, even a pretence of necessity for this expedition.

Mr. *Fitzgerald* (knight of Kerry,) said that he had been anxious to obtain the attention of the Speaker at an earlier period of the debate, because he was conscious that, having no claim on the attention of the house from ability to do justice to the question, he was little able to encounter that impatience which naturally prevailed at so late an hour.—He was, however, glad that the hon. and learned gentleman, (Dr. Laurence) had preceded him, for, by laying down the laws of nations with his superior authority and talent, he had spared the house from hearing those principles more feebly urged by him, and left him only the duty of deducing, from what had been so ably stated, some principles which should guide the house in their decision on that night.—He could now venture with more safety to argue, that other nations had some distinct rights, interests, and independence—That if we were swayed by a preference of British interests, so might Spain, Russia, or Denmark assert a preference for Spanish, Russian, or Danish interests, without offence or injustice to us; and on such a fair and liberal view of the case alone could the house form a just decision. In the opinion he had formed, he trusted no party sentiment mixed itself; for base, indeed, must that mind be which, when ministers had involved the country in war with the last nation which could be added to the formidable combination armed against us, and we fought for our existence, could suffer party motives to influence it on such a question.—Anxious, as he originally was, to express his opinion, that had been increased by the attempt made, on that night, to identify the house with the executive power, and to silence their right of examination and controul, because a majority had, on some former occasion, given some indirect sanction to the conduct of ministers:—first, such a doctrine was wholly unconstitutional; and secondly, additional information had been laid before the house since such expression of opinion. But it was not merely by a decision of the majority in that house, nor by any partial view of English passions or English interests, that we should be enabled to act with dignity or justice in a case between this country and a foreign nation, but by taking such a line as should satisfy the judgments of the majority of the country, and command the respect of the states of Europe; we should otherwise justify the imputations but too successfully propagated against England by the French, that, in her conduct to foreign states, she was alone actuated by a narrow and selfish policy. The conclusions he should endeavour to establish were drawn from a diligent and repeated examination of the papers before the house, and after which he was sorry to be obliged to express his solemn conviction that, in the attack on Denmark, ministers had commited an unprovoked and unjustifiable outrage. Denmark had adopted a line of policy which, whether most agreeable to our wishes or interests, it must be admitted she had a right to adopt, namely, one of strict neutrality. It might not, however, be immaterial to consider that that system, suggested by wisdom, had also been justified by experience, and that the great minister of that nation had conducted his country during the perils and shocks of the revolutionary war, not only with safety, not only to the preservation of the happiness of his fellow-subjects, but greatly to the extension of national prosperity and power.—No slight inducement to a perseverance in the same salutary system. Having adopted that system, it appeared, from a fair and strict analysis of the papers, that Denmark adhered to it with undeviating strictness, and with equal fidelity towards the belligerent parties. — When France approached her frontiers, she required and received explanations which satisfied her, and which, in reason, ought, for the positions taken up by the French troops, were naturally such as were suitable to the war in which France was engaged against G. Britain and Sweden. As to the particular act of trifling violation of ground, ample reparation seems to have been made, and there certainly does not appear any intended infraction of the Danish neutrality; that such a case was possible, if not probable, in the course of the war, is not doubted, and the Danes themselves foresaw it; but how could that be brought to justify our attack on Denmark; should Denmark be ultimately forced from her neutrality, it was evident not only that it was best the outrage should come from France—it was not only compatible with Danish interest, but had been actually pointed out by the Danish ministers, to Mr. Garlike, as more compatible with the eventual interests of Great Britain, Russia, and Sweden; the latter a strong concession, by which count Bernstorff, not only evinced the policy, but the zeal with which, under such circumstances, he would be enabled to support the common cause, when he could promise from it an extinction of those nearly insurmountable antipathies which separated Sweden and Denmark.—In the view of such a case, arrangements had actually been made in Denmark; the troops were gradually withdrawn from the frontiers to the centre of Holstein, and to the islands; and it was emphatically announced, by count Bernstorff, that such eventual invasion of Holstein, by the French, would establish, *de facto*, an alliance, offensive and defensive, between Denmark, Russia, Sweden, and England. But not only was that proved by the papers, but by a fair consideration of Danish interest, we could not doubt that such would be the policy of the Danish court; on the one hand, to retain a nominal authority in Holstein and Jutland, dependent on French moderation, she would hazard her navy, her islands, and her trade. On the other, by the sacrifice of the continental duchies, valuable certainly, but not the most valuable of her possessions, she would retain her colonies, her trade, by which she had grown rich and powerful, her fleets, and her national independence. It was impossible that, if forced to such an alternative, she could hesitate in the choice; with Sweden and Great Britain she might effectually defend Zealand; but by taking a part with France, she would lose all.—Conformably to such principles, a plan of military defence was actually arranged, and notwithstanding the extreme and wise caution of their court, made known to our ministers, that such plan was preferable to that urged by us; no man, with a military idea, could hesitate for a moment, with all the aid we could afford, they were incompetent to the defence of Holstein, and as to the co-operation of 25,000 Swedes, if they could be produced, it seems, after their conduct in Pomerania, that the Danish minister was not very unwise in doubting their efficiency. But, in discussing the question, a strong illustration of the inconsistency, charged in the resolutions moved, had been given by the right hon. the secretary at war, when it suited him to consider the Danes incompetent to the defence of Holstein. His argument was, the extreme difficulties of their retiring from thence to the islands, where the French were supposed to find every possible facility for their transport across the same channel; that is, that to those who actually possessed the vessels, who manned them, to whose cause the crews were devoted, who commanded the land on each side, every thing was difficult, which, the next moment, to an enemy, whose approach must be notorious, who had no craft, no seamen, the passage of a disputed sea was easy, safe, and certain! The Danes seemed to have understood that point full as well as the secretary at war. But it had been argued that, after the peace of Tilsit, Denmark could not have resisted the co-operation of France and Russia. This assumed that Russia would have taken a hostile line towards this country, even if we had not attacked Copenhagen, and would have forced Denmark into a similar subserviency to French interests. Where the grounds for such an assumption were found he could not conceive; certainly not in the papers before parliament, from these and from all that had transpired of our intercourse with Russia the very reverse was to him, palpable. No man could doub that ministers had produced every pape tending to their justification, and to thos they withheld there was more than suspicion for attributing ground of condemn tion. But if any one were capable of gi ing evidence to such a point, it must be t noble lord (G. L. Gower,) who, from h personal character, was entitled to atte tion. What had the noble lord, wi all his means of local information, be able to produce in defence of ministe? Some declaration of the emperor Alander, accompanying his treaty of 15, which, as the noble lord insinuates, pred a disposition hostile to our interests.—ut to admit that, we are called upon to olook the treaty itself, the strong and perful exertions of two campaigns, madoy Russia against France, her strenuousnd almost desperate perseverance, to theist, until the battle was fought almost oner frontiers, and for the security of heerritory. These are not admitted to beny proofs of sincerity in a cause, but ware all on a sudden to attribute to the emror Alexander an insincerity, as inconsent with his uniform character, as the serviency to France imputed would becontrary to the fundamental policy of ssia, which is known to consist in resistce to the aggrandizement of France; t only state that can affect the security of ussia. But, if contrary to reason and eence, we believed Russia capable of actg such a part, there remained still the portant question of her power, even in connection with France, of effecting the supped object, the forcing Denmark into a ar with this country. He was sincerely nvinced that, if Denmark wished it, (a of her wishing it, from all the evidence could not doubt,) she was perfectly mpetent, with the aid of Great Britain ar Sweden, to defend her islands, on whi her national independence and tradeepended. To aid her in such a case the litary resources of this country werpeculiarly applicable, and would haveeen most honourably and wisely emplod; in such a defence of her rights and inpendence, we should have commandedle heart of every Dane. By such a linof conduct we should have called out thwhole physical strength of those norern nations against France, we might fornately have added to the enthusiasm ofhe Swedish king, the enthusiasm of hiseople; and perhaps broken that ancie link which connects the affections of that nation with the French.—Amongst these brave and hardy nations alone, in conjunction with the true policy of Russia, which we were bound to encourage and cherish, could we look for any solid barrier to French encroachment and usurpation. But all that, together with our national character, we had sacrificed for 16 ships of the line.—Although ministers had totally failed to prove the necessity which alone could palliate their conduct, yet the amount of that necessity had been stated by our minister to Russia (a statement formally recognized and authenticated by our minister for foreign affairs) in such a manner, that he could not avoid calling the attention of the house to the very words.—Our minister, in the name of his sovereign, makes these solemn declarations, That the Danish fleet was "essential for the accomplishment of the views of France:" That its seizure was "indispensable for the security of his empire;" and that it warded off a "danger which threatened, not only the welfare of his people, but the existence of his crown." If that were true, which God forbid! in what state had ministers now involved us? to balance the 16 sail of the line, France had acquired the zealous aid of Russia as a principal in the war, the probable subjugation of Sweden, and the direction of her physical strength and maritime means against this country, the great resources for all naval purposes, which the coast of the Baltic peculiarly possessed, the enthusiastic animosity of the whole Danish nation against us, the probable shutting of the Sound against us, the loss of our influence and character in the north of Europe, where our friendship to Sweden would prove more destructive than our hostility to Denmark; we had placed, at the disposal of France, the population of the north, to which she would well know how to inspire activity and energy, and which she would wield against our empire. It could be no pleasant investigation to calculate how far the "security of his majesty's crown and empire," was established by the policy which led to that state of things. He was sorry, on the first important occasion on which he addressed the house, that he must condemn the conduct of his country. But he felt it his duty to state that, as in the first instance, he was shocked at what appeared a treacherous and cruel outrage, so ministers had totally failed in the papers they produced, or the arguments they employed, in any degree to palliate its enormity.

Mr. *Croker* supposed it was to enable himself to make the singular boast of perfect impartiality in so vital and national a question, that the right hon. gent. who had just sat down had neither attended to the former debates on this subject, or read the papers which lay upon the table; he had (Mr. Croker supposed) taken great precaution that his first impressions should not be effaced, for surely no man who had heard the everlasting debates, or perused the voluminous papers which this business had produced, could now have ventured to repeat the obsolete and defeated sophisms of former nights, and persuade himself that he was saying any thing that at all related to the question—but Mr. Croker could not attribute this to the mere wish to preserve the right hon. gent.'s mind undisturbed by party conviction, the fact rather seemed to be, that, driven as gentlemen on the other side had been from every inch of firm argument, they had fled to find what footing they might in those shifting sands of declamation into which no body would think it worth while to follow them. There, at least, he, for one, would leave them. It was absurd, in debating this matter, in this particular view, to talk of Danish-good will, and the Danish desire to preserve neutrality. He did not doubt that selfish desire; but he was convinced, if it at all bore on the question, that there had been long since a tendency in Denmark to favour France at the expence of this country—but on that he would not rest; but on the undeniable assertion, that there had long been in France a resolution to unite Denmark with the rest of Europe against England, and that her fleet was looked to as the chief weapon of the confederacy. No acts of ours increased the desires of France or accelerated the submission of the North. Whether we had been vigorous as we had been, or listless as gentlemen would have had us be, it was evident that Denmark must have yielded to the requisitions of France. A right hon. gent. had said it was not enough to persuade the majority of the house of this, we should persuade the majority of the nation and of Europe. The majority of Europe he should hardly hope to be able to do that—to satisfy this majority of Europe, over which France has spread herself, that we have done right in striking a blow, one of the most decisive and irrecoverable that that power ever sustained in her career of usurpation. No, he did not hope or wish to persuade Europe, that is to say France. But he trusted that it was not more unconstitutional than unfounded to seek to make a distinction between the majority of the house and of the country. He was well satisfied that the triumphant majority of the nation was with him and his hon. friends, and that the house in its various approvals of this expedition had spoken not only legally, and constitutionally, but really and effectually the sentiments of the country. The ministry could not have acted but as they did;—their predecessors had marked out their course for them. They had not only planned as it were the active measures for them, but they had even taught them in what language to defend them. He thought the late ministry would have done the same, not so well perhaps, but they would have done it. He had so much respect for human nature as to believe that every party while in office act honestly, and to the best of their judgment, (a laugh from the opposition.) He might have expected a laugh, but not from those honourable gentlemen; those who had long known their political life, might have laughed at his credulity, he did not venture to hope that they themselves would; let it however be so taken, and told to the country, that in the confidence and enthusiasm of youthful feeling he had trusted that the honourable gentlemen could, when in power, have been honest, and that they themselves had said that he was deceived;—let it be said of him, that he was willing to believe it possible that they were not base; and let it be added, that with a full knowledge of their own hearts, they laughed at his simplicity. He was at a loss to find on what grounds the opposition of this night rested; the victorious speeches of his right hon. friend (Mr. Canning) on former occasions, the able and decisive speech of the noble lord (lord Gower) on this, the evidence of the papers on the table, the testimony of France and Denmark themselves, all seemed to overwhelm the opposite side with a weight of argument which he knew not how they could evade. Against the hon. gentlemen was a train of facts and reasoning such as human affairs seldom admitted of, for them, there were, what?—their own assertions and the Moniteur. They disbelieved our ambassadors, they disbelieved our ministers, they disbelieved the speech of their sovereign,—but they, forsooth, put their trust in the Moniteur; and why are they so credulous abroad and so incredulous at home; to throw a scandal on their country, to stain its honour, ruin its character, and debase the ancient glory and integrity of Britain; and this is their political morality.—They themselves had pursued similar measures, they themselves had in some degree deserved well of their country, but now they despise their own fame, they throw away their own reputation, they abjure their own merit, for the petty advantage of saying to their successors, "You imitated us, and deserve to be cashiered for so doing." He would retort on himself a right hon. gent.'s (Mr. G. Ponsonby) own phrase, and say, "For shame! for shame! why are you so shabby in your iniquity?" And this reminded him of the charge that had been made against his side of the house, of having first broached the detestable doctrines of the new morality. He denied it! he abhorred them! He appealed to the house whether it was not the right hon. gent. (Mr. Ponsonby) who would have had us break faith to keep Zealand,—and who first used the expression alluded to. Who was it that represented ill faith and treachery as less odious if attended with benefit? who first asserted the abominable doctrine that vice, by becoming bold, might become honourable? who were the aristocrats in iniquity, that supposed it became pardonable as soon as it was splendid? Surely neither he nor his friends had ever received these positions from the other side of the house without the abhorrence they deserved.—For his part his political morality was of a different school—he loved this country—respected this house, and revered his king above France, its tribunates, or emperors. He believed the evidence of English ministers, and the English sovereign, in preference to the Moniteur. He despised the practice of railing at the emperor of France; but he must say that his morality taught him to receive with suspicion the evidence of that person, and of those here who repeated his testimony; and particularly in a case in which the honour of his country was assailed. The honourable member concluded by recapitulating; the fullest evidence, he said, had been adduced in support of the necessity of our proceedings at Copenhagen; the only evidence which had been adduced against it was that of the Moniteur, whence the hon. gentlemen opposite had derived not only their evidence, but the very arguments by which they endeavoured to contradict their sovereign, to vilify his ministers, and to insult their country. The papers on the table proved that France had been endeavouring with all her art to cajole the Danes, and that the Danes were very willing to be cajoled.—But the chief question was, whether France had it in view to seize the Danish navy, and whether France had the power to do so. It was conceded on all hands that France had that desire, and it was allowed by lord Howick in all his dispatches. It was avowed by France herself—it was manifest to all Europe that she had the power.—What proof could be superadded?

Mr. *Whitbread* took a comprehensive view of the subject, and answered all the arguments that had been urged at different times in favour of the expedition. The term 'shabby iniquity,' he maintained, was completely suited to the conduct of ministers on that occasion; its application was supported by the manner in which such an expression would be likely to be used in common life. If a person was to be guilty of a petty theft against a poor weak person, when at the same time it was seen that the thief had refrained from the commission of a robbery where more booty was to be gained, but with a greater risk, it might fairly be said, that such a man was a shabby thief; that he was detestable for his iniquity, and contemptible for his cowardice.—After slightly noticing some observations that fell from other members, he dwelt with much force upon what had been stated by a noble lord near him (lord G. L. Gower): that noble lord, with that degree of authority which attached to the situation which he lately held, came forward in that house, if he conceived his meaning rightly, to throw an imputation on the sovereign with whom he but a short time back held intimate communications, and to contradict those friends with whom he lately acted, without using a single argument in support of the position he assumed—the presumption that we should certainly have had a war with Russia, if the expedition to Copenhagen had not taken place; this conjecture he supported by the confederacies of 1780 and 1801, in both of which cases Sweden took the lead of Denmark; and when it was universally acknowledged, that no great measure was adopted by the powers of the north of Europe, without the concurrence, the hearty and sincere approbation, or a positively stipulated agreement, to which Russia was a party. But then it was said, that Denmark was in a state of greater preparation. A noble lord, however, had stated, that he had seen them in as good a state forty years ago; and he (Mr. W.), at least, could vouch that he had seen them equally numerous and equally equipped twenty-four years ago. Was the house to be informed by the first diplomatic character, perhaps, in that house, or was the weight of his authority to be lent to such an assertion, as that we were now possessed of all the naval power of Denmark? Was it to be supposed that the hulks of 16 ships, with a certain number of bolts of canvas, was the whole of the naval strength of Denmark? Had we got a single man of its naval population into our hands? and was it not more than probable, that Sweden would be shortly compelled to fit out her shipping against us, and that any deficiency as to seamen would be supplied from Denmark? We should then have the whole of their naval forces, in fact, against us, that is, we should have their men fighting against us, and that, too, when they must evidently be animated with a spirit of enthusiasm, which nothing but our aggression could have given birth to. But then, said the noble lord, there is no set of ministers that would not have done the same. Had we not the authority of the noble lord by his side (lord H. Petty), that he would do no such thing? Had the house not had the declaration of a right hon. friend of his (Mr. Windham), who was absent, of his detestation of the measure under all its circumstances? Had they not heard that the most complete disavowal of the principles that were here acted upon, was pronounced by a noble relation of his who was now in the other house of parliament? Did not every man who heard him know that such conduct was disclaimed by lord Grenville, lord Holland, and every other member of the late administration? And yet the noble lord could gravely state to this assembly, that he believed such would have been the conduct of any administration!

Mr. Secretary *Canning* vindicated the conduct and consistency of his noble friend, and asserted, that though, from the communications received from him, he had not any sanguine expectation that hostility with Russia could be avoided, it had been his and his colleagues wish to avail themselves of every opportunity that might offer of restoring a perfect good understanding between the two countries. The eventual hostility with Russia was to have been apprehended; they yet had a hope, that, in the interval, some circumstance might occur, which, if improved, might preserve the relations between the two nations undisturbed. This was precisely consonant to the views held out, and the communications made by his noble friend. But, whilst they felt a hope that war might be avoided, it was their duty not to have neglected any measure of security against the combination of Russia, which was the most probable alternative. The hon. gent. who had just sat down, had again insisted on an argument, which all who had preceded him appeared to have abandoned, viz. that the expedition to Copenhagen had produced the war with Russia. If the papers on the table did not prove that not to have been the case, if the Russian Declaration since published, if the conduct of Russia towards Sweden, did not disprove it, he could refer to the authority of a person of the first rank in Russia, to prove the contrary to have been the case. Count Romanzow, in his interview with the English merchants at St. Petersburgh, stated as one of the instances of our barbarous conduct to Russia, that we had detained a frigate laden with specie, to which they replied, that it had happened after a declaration of war; Aye, said count Romanzow, but did we not suffer the Astræa frigate laden with specie to depart after we had determined to go to war with G. Britain? The Astræa had sailed from Memel on the 27th of July, months before any declaration of war, and weeks before any intelligence could have been received of the expedition to Copenhagen. This circumstance shewed that that expedition was not the cause of the war. As to the indignation expressed by the hon. gent. because his noble friend had stated, that any administration would have acted in the same manner under the same circumstances, he had but to observe, that as his noble friend thought differently of the measure from the hon. gent. it was not surprising that he should have said that those ministers, who had undertaken the expedition to Lisbon, would have acted in the same manner at Copenhagen. But he would have reason to be offended, if his noble friend had asserted the converse of this proposition; that those who had acted at Copenhagen would have conducted the Lisbon expedition, in the manner in which it had been conducted. Here he quoted several passages from the instructions to lords St. Vincent and Rosslyn, to shew that these instructions were a mass of accumulated frauds and delusion; and after guarding himself against misconstruction, by stating that the name of the venerable character that appeared affixed to it, was only there in form, as from the state of his health at the time, it was impossible that it could have been his production, he declared, in the face of the house, that these instructions he would not himself have signed. When he had found them in the office, he did not believe that they were the production of that great man, and on inquiry had discovered that the instructions had been drawn up by a right hon. colleague of that venerated person, who acted for him during the latter part of his illness. If this was the old system of morality, if these were the frauds and delusions practised by the priests of the old school, he thanked God they had been departed from. Such delusions might often have been practised, but he had never seen them so set down before. He knew not how these instructions could be defended. It might be upon the difference of the imminence of the peril. At the time of the Lisbon expedition, Buonaparte was distracted with a rising continental war; at the period of the Copenhagen expedition, he was combining conquered Europe against this country:- in the former case, the fleet of Portugal could not easily be brought to act in conjunction with any other naval force; the Danish fleet, on the contrary, was the point where the junction most formidable to Britain, of the northern fleets, might have been effected: the peril was not more imminent for an army placed at a six weeks march distance at Bayonne, than to Holstein from an army at Hamburgh. The force sent out to Copenhagen was such as to ensure the success of the expedition with the least possible loss; and the naked opinion of Mr. Garlike was not to be taken without the circumstances, under which he stated, that the Danish fleet should make no effort to defend Holstein, that she should have a timely concert with Sweden, and that a good understanding should continue between Great Britain and Russia. Notice of these contingencies had taken place. The measure was to be defended without proceeding one step from the law of nature or nations, and whatever might be the vote of that night, he and his colleagues would have the satisfaction to reflect, that their measures had been successful, and promoted the security of the empire.

Lord *H. Petty* replied to the observations of the secretary for foreign affairs. The noble lord shewed, by referring to the dispatches of Mr. Garlike, that Denmark was taking no measures that could warrant the slightest suspicion of any design on her part to act against this country. As to the Russian war, the noble lord was willing to concede, that even if the Danish expedition had not taken place, that war would have arisen; but yet it would have been a war of a different character. We should not have had the opinion and people of Russia and of the civilized world against us, which the Danish expedition had produced. Upon the nature of the arguments adduced by the right hon. secretary and his advocates, the noble lord animadverted at some length. He conceived those gentlemen, as it were, to confess the inefficacy of a war of justice against injustice, and to proclaim this dangerous and degrading doctrine to the world, that England was warranted and resolved to employ the worst weapons used by France, for the purpose of overcoming what it called French iniquity.

After a short reply from Mr. Sharp, the house divided: For the motion 64; Against it 224; Majority 160.—Strangers were not re-admitted, but we understood, that Mr. Stuart Wortley moved a resolution of thanks to ministers for their conduct, &c. on the Danish expedition, and upon this a division took place: Ayes 216; Noes 61; Majority 155.—Adjourned at 6 o'clock on Tuesday morning.

HOUSE OF LORDS.

Tuesday, March 22.

[Commercial Policy of the Orders in Council.] The Earl of *Lauderdale*, in calling the attention of their lordships to this subject, observed, that the important question now for their consideration was, whether that system of mercantile policy under which the commerce and prosperity of this country had so greatly increased until the issuing of the Orders in Council, should at once be done away, and the whole commerce of the country put to hazard, for the sake of the novel and dangerous principles contained in the Orders in Council. Upon this measure he was compelled to argue without the species of information which ought to have been before the house, namely, that which could be given by the merchants and manufacturers whose interests would be affected by it, but which their lordships had refused to hear. Amongst this class of persons the measure was generally condemned. It had been said, however, that several merchants highly approved of these Orders. This, he thought, required explanation. The manufacturers who contributed so essentially to the prosperity of the country, immediately felt their effects, in the suspension of orders, and the stagnation of their trade; but there were merchants who engaged in foreign commerce, and having a large stock of foreign commodities on their hands, would feel that the suspension of foreign commerce would greatly enhance the price of the articles on hand, and thus largely increase their profits; they might, therefore, approve of these Orders, inasmuch as they were beneficial to their particular interests; but to the commerce of the country generally, the measure must be ruinous. He was wholly at a loss to conceive what benefit could arise from it. It had been said on a former evening, by a noble and learned lord, that the object of it was, so to distress France, as to force her to come to terms; but how was that object to be effected? We might free neutrals to come into our ports; we might prevent all direct trade with the enemy, by means of the superiority of our navy; but then France, by her military superiority upon the continent, might interdict all commerce with the ports of the continent that was carried on through this country. Neutral trade would then be destroyed, and the commerce of this country deeply and totally injured. It had been said, however, that trade might still be carried on in a manner more easily understood than could with propriety be expressed; was it then to be urged, that the trade of this country was to be carried on by means of smuggling, and was it not easy to conceive that precautions might be adopted in France to prevent that species of trade? Had ministers reflected upon the consequences of this measure to our West India colonies? Instead of giving them relief, it would still further oppress them. Already more sugar came from thence than could be consumed in this country, and to this was now to be added the sugar of the Brazils and of the enemy's colonies. Where was a continental market to be found for all this produce? And supposing there to be a market, still the produce of the enemies colonies and of the Brazils would have the preference, because it would be known by those who imported it here that none of it could be consumed in this country, and thus our own planters would remain without relief. Had they reflected upon the consequences to the American trade, and through that to the trade of this country? Taking the exports of America at 15,000,000*l.* he believed about two-thirds of that amount were sent to the continent of Europe; if this trade was destroyed, would it not by the decrease of price greatly reduce the value of the remaining third exported to this country? He believed, that upon calculation, the remaining third could not then be estimated at more than 2,000,000*l.* in value; and how in this case were the American traders to pay the debts due to the merchants and manufacturers of this country? If it was conceived, however, that France would relax her decrees, and a trade be carried on to her ports under these restrictions, still the government of that country, by means of countervailing duties, might throw back as great a burden upon us as our duties would be to them. Suppose we imposed a duty of ten per cent. on articles carried circuitously through this country to France; that country might impose a duty on the commodities sent in return, and might give the produce of that duty as a compensation to those who paid the additional duty imposed by us, and thus the object of the Orders, that of distressing France, would be defeated. Could it, however, seriously be believed, that enhancing the price of sugar, ginger, pepper, and other articles, would have that important effect which was imputed to this measure? What, besides, was the comparative disadvantage with which we entered into this new and unprecedented species of warfare; France could support her population by her own produce; it was calculated by Mr. Hume, that in his time, sixteen persons out of twenty in France, drew their support from agriculture and commerce; whilst in this country, fifteen out of twenty of the population drew their support from commerce and manufactures, and the produce of the country was not sufficient to support the population; this was proved by the statement, that during the years 1804, 5, 6, we imported 517,000 quarters of wheat, oats at the rate of 180,000 quarters, and barley 50,000. How seriously then, would such a mode of warfare injure this country, whilst it would comparatively do little injury to France! In every point of view, he could not but consider this measure as ruinous and destructive, and tending more immediately to increase a clamour for peace, and thereby to embarrass the country, by means of the great injury which it inflicted upon our manufactures. His lordship concluded by moving the following Resolutions:—"That the unprecedented commercial warfare in which his majesty had been advised to involve this country, by his late Orders in Council, must be peculiarly injurious to a nation whose extended concerns give her an interest, more or less direct, in all the mercantile transactions of the world.—That it appears to this house, that the system adopted by the said Orders, threatens the immediate extinction of maritime commerce; for while, on the one hand, the navy of G. Britain will, in a great measure, prevent all communication with the continent of Europe, except through this country and her allies; it cannot be doubted that the armies of France, and of the nations under her subjection, may, on the other hand, easily put an end to any such direct intercourse between this country and the continent.—That such annihilation of all maritime commerce, whilst it must totally exclude the produce and manufactures of this island from a foreign market, will leave to our enemies those means of trading in the produce and manufactures of the continent, which the land-carriage and internal navigation of such extensive countries must afford; means which their industry, urged by the necessity of the case, must rapidly improve and extend.—That it appears to this house, that there is just ground to apprehend that the exclusion of colonial produce from the continent of Europe, if it could be effected, would close many of those channels of industry, by the means of which the commerce and manufactures of this country have attained an unparalleled degree of prosperity: that it would divert the labour of the continent from the production of those articles for which maritime commerce has hitherto afforded a vent, to the culture of those productions for the supply of which the extinction of such commerce must create an imperious demand.—That it appears to this house, that the manufactures of this country must sustain irreparable injury, from forcibly diverting the labour of America, by the annihilation of maritime commerce, to the manufacture of those articles which habit has made necessary to that country, and the furnishing of which has long given sustenance to thousands of our industrious countrymen.—That this system, which his majesty's Orders in Council are intended to enforce, whether regarded as a source of revenue or as a measure of hostility, appears to this house equally nugatory and absurd: as a source of revenue, its success must depend on the co-operation of the neutral whose property is to be taxed, on the inclination of our allies to sacrifice their interest to our views, and on the consent of our enemies to contribute to the increase of those resources which it is their known object to annihilate: as a measure of warfare, it is destructive of our resources, injurious to the interests of our friends, but wholly ineffectual against our enemies, whom it enables, by payment of the projected duties, to purchase a complete exemption from the distress which it professes to bring upon them.—That it appears to this house, that his majesty's ministers, by advising his majesty to adopt such a mode of warfare, are co-operating with the government of France to deprive the inhabitants of the respective countries of the comforts to which they are habituated, and even of the means by which they have existed: and that in so doing, they are concurring in an experiment which puts the great contest now at issue betwixt the two nations, on a ground highly disadvantageous to the British empire; for it is obvious, that this system of deprivation must bear much harder on the people of this country, where property has been uniformly respected, and the profits of industry held sacred, than on the people of France, who have been habituated to the extremes of distress, during the convulsions which the revolution has created."

Earl *Bathurst* denied that the commerce of the country had, previous to the issuing of the Orders in Council, shown that increasing prosperity stated by the noble lord; on the contrary, the exports, which in 1806 amounted to 27,000,000*l.* decreased in 1807 to 25,000,000*l.* The exports of West India and East India produce had also declined in proportion. The Orders in Council had become, therefore, necessary for the maintenance of our own commerce, and their beneficial effects were proved by the increase in our exports from the 5th of Dec. up to the last week: an increase had taken place in the export of sugar, of woollen, cotton, and linen. Our West India colonies, instead of being injured, would be benefited. Their produce had previously been undersold in the foreign markets by the foreign colonial produce, conveyed by neutrals, and the certificates of origin were devised to prevent British colonial produce from finding a market. Now, however, under the operation of these Orders, the whole of the colonial produce being brought to this country, would be so mixed that it would be impossible for the enemy to distinguish the one from the other, and our own colonial produce would no longer be undersold. The same argument applied to the commodities from the East Indies. It had been said by a noble friend of his on the preceding evening, that it could not be supposed that the want of coffee could have any effect in France. His noble friend, he believed, did not like coffee, and therefore he might not care for the loss of it; but was it to be imagined that the population of a whole continent would suddenly change the habits of their lives at the bidding of the ruler of France? Would Buonaparte himself, would his tributary kings, would his tributary princes, would his generals, would his army, consent all at once to give up their coffee and their sugar? Would they agree to give up the constant habits of their lives? It was not in human nature. With respect to the American trade, he believed it would be found that half their exports came to this country, and about a fourth or third to the enemy's colonies; the effect, therefore, stated by the noble lord, could not be produced upon that trade; as, supposing the decree of the enemy to be most rigorously enforced, the Americans could not be prevented by their enforcement from trading with this country, or the enemy's colonies. The noble earl went through the Resolutions, and contended that they did not apply to the Orders in Council, which instead of injuring the trade of the country, tended materially to benefit it, by removing those injurious effects which had been produced by the enforcement of the enemy's decrees.

Lord *King* commented on the apparent inconsistency of endeavouring to make the Orders in Council at once a measure of a belligerent nature and of commercial policy.

Lord *Holland* entirely concurred with the noble lord as to the inconsistency he had stated; but it was not the only one: when the measure was censured as unproductive, they were told that it was not a measure of revenue; and yet when the suffering manufacturer, when the injured trader, petitioned for relief against its ruinous operation, they were driven from the bar, and told that it was a matter of revenue. With respect to its producing any sensation in France, he could hardly believe that ministers themselves were serious in that expectation.

Lord *Grenville* said, he did not rise to prolong the debate. Upon a former occasion he had taken an opportunity of stating fully and distinctly his sentiments upon the commercial policy of these Orders. His object in rising, was, to resist altogether the idea of any similarity between these Orders and that of the 7th of Jan. He contended that they were not only not alike, but essentially different. Sardinia, it was true, had been excepted; but Sardinia was not the only exception. At that time Denmark (would to God she were so now!) was neutral, and engrossed by much the greater portion of the neutral trade of Europe. The able and statesman-like note of his noble friend (earl Grey) to the Danish minister, was a sufficient commentary upon the nature and object of that Order: but this mode of justifying by recriminating, involved the noble secretary in a strange dilemma. That Order was either right or wrong; if wrong, why attempt to justify the present Orders by proving their similitude to that? and if right, why make it the object of such extraordinary censure, that even his majesty in council was made, in the preamble to those Orders, to censure that act as injudicious and ineffectual, to which he had been advised to give his royal sanction? With respect to their effect on America, he should not now say any thing: the event would be shortly known, and he trusted that when it should be known, the result would not verify his apprehensions. As far as he could judge from such private advices as persons were pleased to communicate to him, he was, he confessed, inclined to believe that the intelligence of his majesty's ministers' intentions, with respect to the measure of the Orders in Council, was known in America several days before the measure of the embargo had been resolved on: and if so, it was not unreasonable to conclude, that that intelligence must have had no inconsiderable influence in producing the adoption of that measure.

Lord *Hawkesbury* said, that ministers had received no intelligence, from any authentic source, that could lead them to believe, that the Americans knew any thing of the Orders in Council previous to the embargo; but, as he had stated on a former occasion, it was by no means improbable, that the embargo might have been resorted to in America, from a conviction that such measures of retaliation as the present would naturally be adopted by this country, in consequence of the French decrees. The noble baron, however, might have secret advices, that the Americans had been previously informed of the intention to issue the Orders in Council, and had acted accordingly; but until that was distinctly asserted, he must still believe, that the fact was as he himself had stated it. He allowed, that it was unwise to enter upon a commercial war; but the question here was, whether you were to submit to the embarrassments thrown by the enemy in the way of your commerce, without adopting some measure of retaliation? If we were not to engage in a commercial war of this kind at all, then the Order of the 7th of Jan. was a most unwise one. His lordship also stated, with regard to the American embargo, that the preamble of the Order of the 7th of Jan. announced further retaliation, in case that should take place which had actually happened; and this might have corroborated the idea, that such a measure as the late Orders in Council would be adopted by this country, and by that means have contributed to the laying on of the embargo.

Lord *Grenville* said, that he had no secret advices, nor did he know what the noble secretary meant by the words 'secret advices.' His information was as public as the public papers of the country could make it. A commercial house here had sent information to America of the intention to issue these Orders, and of their nature and tendency, and that information was perfectly accurate. Their correspondents in America acknowledged the receipt of the intelligence on the 16th of Dec. being six days before the embargo was laid on. He desired the noble secretary not to take this statement upon his authority, but to call the merchant to the bar, who would confirm it on oath.

The house then divided on the question of agreeing to the first Resolution: Contents, 21; Non Contents, 56; Majority, 35.

HOUSE OF COMMONS.

Thursday, March 22.

[WESTMINSTER ELECTION PETITION.] The time appointed for taking into consideration the Petition of the right hon. Richard Brinsley Sheridan, complaining of an undue Election and return for the city and liberty of Westminster, being come; and no counsel, agent, or party, appearing on the part of the said petitioner, the house was moved, That an Act, made in the 28th year of his present majesty, for the further regulation of the trials of Controverted Elections or returns of members to serve in Parliament, might be read:—and the same being read; the Order for taking the said Petition into consideration was discharged.

[GREENWICH HOSPITAL.] Sir *C. Pole*, pursuant to notice, called the attention of the house to some appointments on the establishment of this hospital, in which due regard was not had to the preference which ought to be shewn to persons who had served in the navy. He cited all the commissions relative to Greenwich Hospital, from the first under William and Mary, to shew, that such a preference ought always to be given; and concluded with moving an Address to his majesty, praying, that he would be graciously pleased to give directions, that all the appointments belonging to the said hospital should henceforth be filled with persons who had served in the navy.

The *Chancellor of the Exchequer* said it must be the object of every one to promote as much as possible what the hon. baronet was desirous to accomplish. But there were offices for which persons properly qualified could not be found in the navy, such as clerk of the works, who should be an architect; auditor, who should be a lawyer; organist, brewer, clerk of the cheque, surveyor, and others. With these exceptions, he thought no other office should be filled otherwise than from the navy, except when, after a month's notice in the newspapers, no naval person should present himself with proper qualifications to fill the office vacant. He should propose an amendment, adopting the hon. baronet's idea, with this limitation, and he should, in the event of the amendment being adopted, propose an Address to his majesty, praying that he would cause a corresponding alteration to be made in the Charter of Greenwich Hospital.

After some observations from Mr. Whitbread, Mr. Rose, Mr. N. Calvert. and Mr. R. Ward, sir C. Pole agreed to the exceptions proposed by the Chancellor of the Exchequer, and the motions were passed accordingly.

PETITIONS AGAINST THE ORDERS IN COUNCIL.] On the motion of the Chancellor of the Exchequer, the house went into a committee, in which the adjourned consideration of the Petitions against the Orders in Council was resumed. The following witnesses were then called in and examined, Mr. Wm. Bell, Mr. Thomas Martin, Mr. Alex. Forrester, and Mr. Abraham Mann. On account of the lateness of the hour, and there being then five other witnesses to examine, the further consideration of the question was postponed till tomorrow.

HOUSE OF LORDS.

Wednesday, March 23.

[ORDERS IN COUNCIL.] Lord *Auckland* rose to offer a motion to the house, which, in his opinion, might afford an opportunity of bringing the house to a decision on the long contested point, whether the Petitions against the operation of the Orders in Council, which had been presented to the house, were to be attended to or not. After insisting on the right which the subject undoubtedly had of being heard against measures which aggrieved him, and after enumerating a number of precedents, to shew that the object of his motion was strictly conformable to the standing orders of the house, and the best practice of parliament in the best times, his lordship concluded with moving, "That the Orders in Council be referred to a committee of the whole house, and that the petitioners against them be heard by themselves and counsel, as to such points in which the petitioners could shew they had a distinct and direct interest."

A long conversation ensued, in which the lord chancellor, lords Hawkesbury and Mulgrave acceded to the motion, on the understanding that it was not proposed to hear counsel against the Orders in Council bill, and that no delay should take place in the progress of that bill. Lord Grenville, the earl of Lauderdale, and earl Spencer disclaimed any understanding upon the subject, which should fetter their judgments in the application of the information which might be communicated at the bar. Lord Sidmouth had some doubts as to the form of proceeding, but was friendly to the object of the motion. The question was at length put, and the motion agreed to.

Lord *Auckland*, after complimenting their lordships on at length adopting some mode of hearing the petitioners, then moved, that the Petitions be referred to a committee of the whole house tomorrow.

Another conversation arose upon this motion, and lord Hawkesbury moved as an amendment, Monday next, instead of tomorrow. This amendment was strenuously supported by the lord chancellor, lord Mulgrave, and lord Redesdale; and opposed by lords Grenville, Holland, Darnley, Grey, and Spencer; after which a division took place on the amendment. Contents, 43: Non-contents 18.—Majority 25.

The order of the day was next read for the house to resolve itself into a committee on the bill, when earl Spencer moved, that the house do hear the Petitioners on Tuesday next; on this question, the house divided. Contents, 18; Non-contents, 47. —Lord Grenville then moved, that it be an instruction to the committee to divide the bill into two parts, that part which regarded the bill as of Aid and Supply, and that which regarded the commercial regulations, on which latter part he wished Counsel to be heard. On this question, nearly the same noble lords again were heard, when the house again divided. Contents, 48; Non-contents, 109.

The house then resolved itself into a committee on the bill. A long and desultory conversation ensued, in the course of which,

The *Lord Chancellor* attacked the late administration for their Order in Council of the 7th of Jan. and asserted that it was the foundation of the late Orders.

Lord *Erskine* said, that this charge repeatedly made reminded him of Swift's Tale of a Tub. We produce, said lord Erskine, a piece of bread, we eat it in their presence, we bring the baker who baked it; every body round agree it to be bread, but the noble lords answer that it is not bread, but the fattest mutton that ever came out of Leadenhall Market, and the only proof they give of the proposition is, that if any man ventured to assert the contrary, they hoped that God might eternally damn him. Lord Erskine said, that these were the words of the rev. Dean Swift, and not his, and therefore the bishops must pardon the profaneness. He said, he had no doubt, that if it were convenient to establish that his lordship's black coat was any green colour, it might easily be accomplished. 'As many as are of that opinion, say Aye'—would give it in a moment any colour in the rainbow. —His lordship here adverted to the Bark bill. He said, that Mr. Burke in one of his immortal orations, had also given immortality to the benevolent Howard;—speaking of that great man in his career of humanity, he had said, "He has visited all Europe; not to collate manuscripts or to collect medals, but to dive into the depth of dungeons; to plunge into the infection of hospitals; to survey the mansions of grief, misery and despair; to pity the forsaken, to remember the forgotten, and to collect and collate the distresses of all men in all countries. It was a circumnavigation of charity." It was fit, said lord Erskine that this circumnavigator of charity should have received his being in that country which had been the instrument of providence in her circumnavigation of the earth; not like the first discoverer, carrying cruelty and death in her train; but collecting mankind together under the dominion of laws and liberty. But what was the proposed circumnavigation of ministers? They at this moment, like Howard, were to visit all Europe; like him they were to plunge into the infection of hospitals; but not like him, to remember the forsaken and forgotten, but to pluck the balm of health, or rather of life, out of the mouths of the miserable. They were to rob them—not of one medicine, which, as he had said formerly, might be substituted for another; but which he would repeat again, even as often as they repeated the Order of the 7th of Jan. that would subject Great Britain to the final everlasting curse—"I was sick and ye visited me not."

Lord Grenville moved that the chairman should report progress, but this was resisted. The preamble after a good deal of controversy was agreed to. It was ordered that the house should resume, and the chairman ask leave to sit again. The house accordingly resumed, and after receiving the report of the chairman of the committee, adjourned at four o'clock on Thursday morning.

HOUSE OF COMMONS.

Wednesday, March 23.

[Petitions against the Orders in Council.] After the other orders of the day were disposed of, the house went into a committee on the Petitions against the Orders in Council. Mr. Brougham, the counsel for the Petitioners, was called in, and the examination of Mr. Mann, which had been interrupted at the rising of the house last night, was resumed. Mr. A. Glennie was also re-examined. The following witnesses were then called in and examined, viz. Mr. H. Hinckley, Mr. James Cropper; Mr. Martin, Mr. Rathbone, Mr. James Oxley; James Palmer and James Kinder; and Mr. Thomas Mullet.—The Chancellor of the Exchequer suggested, after the examination of the last witness, that the business should be deferred until to-morrow; and that, after the hearing of evidence in support of the present petitions, counsel should be called in and witnesses heard in support of the London Petition in favour of the Orders in Council. He knew that there were some gentlemen who had a different feeling on the subject from that which the hon. gent. on the other side had. He therefore thought it would be right that their witnesses should be called, before the learned counsel then at the bar proceeded to make his observations on the case.—Mr. Tierney and Mr. Whitbread observed, that it would be rather a novel course of proceeding, to call in counsel to be heard in support of a Petition, where the petitioners themselves had not thought proper to make it part of their prayer that they might be so heard. Besides that, the committee was not empowered to hear them, as the instructions from the house to them only went so far as that they should consider the Petitions against the Orders in Council. The other Petition was only ordered to be laid upon the table. After a few words from the Chancellor of the Exchequer, Mr. Rose, and Mr. Huskisson, in support of the original suggestion, the business dropped. The house then resumed, and Mr. Brougham, and his remaining witnesses, were ordered to attend to-morrow.

HOUSE OF LORDS.

Thursday, March 24.

[Expedition to Copenhagen.] The Earl of *Suffolk* rose pursuant to notice, to move for the Correspondence which had passed between his majesty's ministers and Mr. Garlike, respecting the hostile designs of the court of Denmark against this country, which it had been asserted, were made evident by that correspondence. It was desirable indeed that satisfactory evidence should be laid before the house, in proof of the expediency or necessity which induced ministers to embark in such a violent and unwarrantable measure as the attack upon Copenhagen. He had as yet heard no argument or explanation to satisfy his mind on these points. He was therefore anxious, that some proof might be adduced that would demonstrate that necessity, and rescue the name and character of the country from the shame and degradation which that ill-starred expedition must otherwise fix upon them. It was, moreover, necessary to vindicate the individual character of Mr. Garlike, with whose dispatches ministers had taken a liberty unauthorized by any practice of parliament with which he was acquainted. The noble lord concluded with moving an Address to his majesty, praying that directions be given to lay before the house such Correspondence as had taken place between Mr. Garlike and the Secretary of State from Nov. 1806 to July 1807, respecting the designs which, in conjunction with Russia, Denmark was supposed to be entertaining against this country.

Lord *Hawkesbury* observed, that if the noble earl had attended former debates, he must have known that the Papers he now moved for had already been refused, and that the motion, the object of which was to have them produced, had been negatived, after a mature and long discussion: such Papers having been produced in another place, was no reason why they should be laid before their lordships, the more so, as no special grounds had been stated for producing them, and as the subject to which they related had long since been thoroughly investigated and solemnly decided on. As no necessity whatever was shewn for the production of such papers at the present moment, he thought himself perfectly justified in opposing the motion which had been proposed by the noble earl.

Earl *Grey* argued in support of the motion. When these very documents were moved for in another place, they had been refused on the plea that the production of them might be detrimental to the public interests; yet, when the same papers were afterwards moved for in order to vindicate the character of an individual, all apprehensions of public danger vanished, and in order to clear the character of that individual, the correspondence was produced. The noble lord concluded with a warm panegyric on the conduct of Mr. Garlike, which in all the situations that gentleman had been placed in, was uniformly marked by ability, integrity, and zeal.

Lord *Hawkesbury* most cheerfully coincided in every praise that could be bestowed on Mr. Garlike, of whose merits he had long been so convinced, that he had omitted no opportunity of recommending him for promotion to his majesty. As to the Copenhagen Expedition, every thing that had since happened, only confirmed him in the opinion of the expediency, indeed the absolute necessity of that expedition.

Lord *Grenville* supported the motion, contending that the house were still very imperfectly informed upon this subject. He did not approve of making public a whole series of diplomatic correspondence, of that they had in one instance experienced the ill effects, but in this case he thought it important that the information asked for should be granted, in order that the house might be better enabled to discuss these points immediately connected with it.

Lord *Mulgrave,* conceiving that the noble lord had alluded to the correspondence laid before parliament when he (lord Mulgrave) quitted the foreign office, entered into a justification of his conduct upon that occasion, and said, that if there was any thing to blame in that transaction, noble lords ought to have made it the subject of inquiry. In the course of his speech he alluded to the appointment of Mr. Adair to Vienna, and to the rumours respecting the supposed secret mission of that gentleman upon a former occasion to St. Petersburgh, which probably a noble lord on the other side (the relation of the person who sent him) could explain.

Lord *Holland* rose considerably agitated by the allusion reflecting on the conduct of Mr. Fox, in a transaction which happened nearly 20 years ago, and of which he was certainly too young at the time to know the circumstances. The insinuations upon it, however, had been so repeatedly proved to be absurd, that nothing but the perverse spirit which had been manifested that night, could have again brought it up. The noble lord had said, that if the conduct of the ministers who had made the coalition that ended so fatally for Austria was criminal, it ought to have been questioned. To this lord Holland replied, that probably his friends ought to have instituted an inquiry into it. Their motives of forbearance, he thought, would have been obvious to every noble lord, viz. that as the administration who had made that coalition, had lost the person who was most distinguished for talents, they thought it illiberal to pursue the rest of the body.

Lord *Mulgrave* disclaimed the slightest intention of wounding the feelings of the noble lord.—The question was then put, and negatived.

HOUSE OF COMMONS.

Thursday, March 24.

[WESTMINSTER ELECTION PETITION.] The Speaker informed the house, that the Petition, complaining of an undue election and return for the city and liberty of Westminster, having been appointed to be taken into consideration upon Tuesday last, at half an hour after three in the afternoon, the right hon. Richard Brinsley Sheridan, the petitioner, did not appear before the house, by himself, his counsel, or agents, within one hour after the time so appointed; and that, in pursuance of an act, made in the 28th year of his present majesty, he had certified into the court of exchequer the Recognizance entered into in respect of the said petition, and had also certified the default which had been made in the performance of the condition of the said recognizance.

[IRISH GRAND JURY PRESENTMERTS.] Mr. *M. Fitzgerald* rose, pursuant to notice, to move for certain papers relative to the mode of raising money by the Grand Jury Presentments in Ireland. He wished to avoid any discussion on the subject till the papers were laid on the table; but he would state the course he meant to pursue, and the object he had in view, in order to prevent misconception. He moved for these papers on two grounds: first, with reference to the amount of the sums raised, and secondly, with respect to the mode of raising them. He did not mean to question the powers of the Grand Juries, or to transfer these powers to any other quarter. But he wished to have some more equal mode of collecting the tax, and a better mode of accounting for the money. He intended once to include all this in a bill relative to the Irish roads; but the subject was so extensive and important that it would be better to refer it to a committee of the house, by which means it might come more particularly under the review of such as were acquainted with the mode of raising, applying and accounting for county money in England. An account of the amount had been already laid on the table. What he wanted now was an account of the mode of application, of the way in which the money was accounted for, and of the time the grand juries had for the performance of this duty. He therefore moved first, for an account of the presentments for raising money during the spring and summer assizes in 1807, specifying the mode of application. 2d. For copies of the Quere Books in the hands of the Irish treasurer, as far as related to the above period, with a view to shew the method of accounting. And 3dly, For the number of informations and bills of indictment before the grand juries, during the same period, and the time the assizes continued.—After some observations from Mr. Foster and sir J. Newport, the motions were agreed to.

[PETITIONS AGAINST THE ORDERS IN COUNCIL.] The *Chancellor of the Exchequer,* after moving the order of the day for going into a committee on the Petitions against the Orders in Council, thought it right, before he should move that the Speaker do leave the chair, to state the course which he proposed to recommend to the house to adopt, on the subject of the examination of other witnesses, and which, upon inquiry, he found to be conformable to the precedents of the practice of the house on similar occasions. It was therefore not his intention to move this day for the production of other evidence, but according to the practice of the house to allow the present petitioners to close their case, and afterwards to hear the observations of their counsel, upon the evidence produced by them. It would then be competent to the house, if the evidence should not appear sufficient, to call upon the other petitioners, or upon other witnesses, and to examine them, touching the subject. But as it might not be fair, to call upon the learned counsel, suddenly, to submit his observations to the house, upon the evidence, he proposed, that, however short the time might be, which would be occupied this night in the examination of the remaining witnesses, the business should stand over till Tuesday, when the learned counsel should be heard upon the evidence.

Mr. *Tierney* thought, that even the course proposed on the preceding evening, by the right hon. gent. that of hearing the contrary evidence, and of being present by their counsel to cross-examine the witnesses that should be brought forward, before he was finally to sum up, would have been much more desirable for the petitioners than that now suggested. It would be peculiarly hard upon the petitioners, if evidences should be brought forward to disprove the allegations of their petition, and contravert the evidence they produced in support of them, that they should not be permitted to cross-examine the witnesses by their counsel, or call other witnesses in support of their case. The house was placed in a novel situation by the course pursued by the right hon. gent. though all these difficulties might be avoided, if the proceeding had originated in a committee of trade.

The *Chancellor of the Exchequer* insisted that the proceeding was perfectly regular, and adverted to the precedent of the course adopted upon a Petition against the Tobacco bill in the year 1790, as fully in point; on which occasion the petitioners evidence and counsel had been heard at the bar; and the house had afterwards thought fit to call for other witnesses, and to examine with respect to the matter of the petition and the evidence brought forward in support of it.

Mr. *Tierney* acquiesced for the present, but reserved to himself the right to oppose the course proposed by the right hon. gent. if it should appear to him not to be regular.

The *Speaker* then laid down the practice of the house in a clear and satisfactory manner. Whatever course it should ultimately please the house to adopt, the proceeding, he observed, had been hitherto perfectly regular. In the opposition which had been given to the Boston port bill, and the bill to restrain the Trade of New England, petitioners had been heard by their counsel at the bar of this house, and evidence examined in support of their petitions, but that had not precluded the house from taking such other steps as were deemed expedient to investigate the allegations of the petitioners. There were many instances of the examination of witnesses upon petitions, at the bar of the house, but the later practice had been to examine witnesses at the bar in a committee of the whole house. As to the proceeding in a Committee of Trade, when petitioners presented themselves to that house, and prayed to be heard by their counsel, the practice was, if their petition was received, to accede to the prayer of it, and by the habit of the house, after hearing evidence, to permit the counsel to sum up the whole at the conclusion of the case. The house had then many courses, any one of which it might adopt, but it was quite impossible that a committee of the whole house should be tied up by the evidence produced in support of the allegations of the petitions, which might be erroneous, partial, absurd, or even false, as might be proved by other evidence. There were also many cases wherein the house, without any claim made on the part of an adverse party to be heard, had thought fit for its own satisfaction to call for further evidence, after the Petitioners case had closed. The Tobacco case, which had been referred to by the rt. hon. the chancellor of the exchequer, was one of that description. For, after the petitioner and his counsel had closed the case and withdrawn, the house ordered other witnesses to attend, and the committee sat again to hear the evidence of these witnesses, and the house took other proceedings thereon. If any gentleman had any doubts on the subject, he would do well to consider that case. The case of the Shop Tax bill was similar. The proceedings, therefore, had been hitherto all regular, and the next step would be to hear out the case of the petitioners, and the observations of their counsel in summing, after which the house would decide whether it should order other witnesses to attend, or whether other evidence should be necessary.

The house then resolved itself into the committee, and proceeded with the examination of the remaining witnesses in support of the Petitions. Mr. Garland, Mr. Pollock, Mr. Mann, and Mr. Rathbone were the witnesses examined. After the examination was closed it was agreed by the gentlemen who conducted it on both sides, that progress should be reported, and that the committee should sit again on Tuesday.

HOUSE OF LORDS.

Friday, March 25.

[PATENTS.] The Earl of *Lauderdale* presented three motions with respect to applications for continuing the terms of Patents, directing that notice of every such application should be given in the London Gazette, 6 weeks previous to the meeting of parliament; that no application should be received, unless the term of the patent should be within two years of expiring; and that the person applying should bring proof that he was either the inventor or the representative of the inventor of the invention specified in the patent. His lordship moved, that these motions should be taken into consideration on Tuesday, with the view of their being made standing orders.—Ordered.

[JOURNALS OF THE HOUSE.] Lord *Grenville* took up the idea which of late had been frequently adverted to by many noble lords, viz. that of taking some measure for procuring a more regular printing of the journals of that house, together with fit Indexes to the same; and concluded with moving an instruction to that effect to the standing committee of the journals.

Lord *Hawkesbury* most cheerfully concurred in the motion of the noble baron, and promised every support on his part, and on that of his colleagues, towards the accomplishment of so desirable an object.

[ORDERS IN COUNCIL BILL.] The Orders in Council bill was read a third time.

Lord *Grenville* re-urged several of his former arguments upon this subject, and contended that the evidence adduced in another place had proved the injurious effects of the Orders in Council, in the prevention of the export of our manufactures to America for the purpose of their being exported to Europe, and in the detention of American vessels bound to Europe, by which the remittances were to be procured, which were to pay for our manufactures exported to America.

Lord *Hawkesbury* contended that the Orders in Council were calculated to benefit the trade of the country, and that they tended to that object was the opinion of the greater part of the merchants of London, and of the merchants of Liverpool, even those of the latter who were engaged in the American trade; and if the manufacturers in Yorkshire, or any other part of the country, had sustained losses, those losses were not to be attributed to the Orders in Council, but to other causes.

Earl *Grey* argued that the assertions with respect to the benefit to be derived from the Orders in Council were not proved.—The amendment was negatived.

A number of other amendments were subsequently moved by lords Auckland and Grenville, chiefly those which were moved and negatived in the committee. A long conversation took place upon them, which turned on the same points that formed the topics of discussion in the committee. The amendments were all negatived.—Upon the Clause for limiting the period for bringing actions against those who may have acted under the Orders in Council, Lord Grenville moved an extension of the time mentioned in the clause, as from the period specified it was impossible that any American who had reason to complain could seek redress. Upon this a division took place, For the Amendment 19; against it 52. The bill was then read a third time and passed.

[PROTEST AGAINST THE ORDERS IN COUNCIL BILL.] The following Protest against this Bill was entered upon the Journals:

"Dissentient; 1st, Because the Bill appears to us to have been passed in manifest violation of the letter and spirit of the Standing Order of the house, No. 25. A. D. 1702, the maintenance of which Order is essential not only to the privileges of this house, but also to the fundamental principles of the government. 2dly, Because, the unprecedented manner in which Commercial Regulations of the highest importance are in this bill coupled with matter of Aid and Supply, and the precipitation with which the Bill has been hurried through the house, when evidence is about to be heard as to the effect of the late Orders in Council, in furtherance of which the bill is passed, give to this measure in our judgments a character which we are always unwilling to attach to any act of parliament. 3dly, Because, various Amendments proposed to be made to this Bill have been rejected, although the same were obviously necessary to give effect to those very provisions which the bill was intended to establish, and to remove doubts admitted to exist as to the legal construction of some of its most important provisions. 4thly, Because, the object is to give effect to the late Orders in Council, which it declares to have been expedient and necessary. Whereas, we conceive them to have been wholly unjust and unnecessary, and in the highest degree injurious to the most important interests of the country. (Signed) Grenville, Ponsonby, (earl of Besborough), Nugent, (Buckingham) St. John, Spencer, Rawdon, (earl of Moira,) Erskine, Essex, Grey, Lauderdale, Ponsonby, (of Immohilly) Vassall Holland, Jersey, Clifton, (earl of Darnley,) Auckland."

HOUSE OF COMMONS.

Friday, March 25.

[INDICTMENT BILL.] The Attorney General moved, "That leave be given to bring in a Bill for amending the law with regard to the course of proceeding on Indictments and Informations in the court of King's Bench in certain cases; for authorizing the execution in Scotland of certain warrants issued for offences committed in England; and for requiring officers taking bail in the king's suit to assign the bail bonds to the king."—Leave granted.

[SUGAR DISTILLERY COMMITTEE.] Sir *John Sebright* gave notice, that he would, on Monday, move, that the names of some additional persons be annexed to the Sugar Distillery committee.

Lord *Binning* thought it proper on this occasion to call the attention of the house to certain statements which appeared in the public newspapers, purporting that the Sugar Committee had come to a resolution to recommend the prohibition of the use of grain in distillation, and that the report would be made in a week. The committee had come to no resolution, nor could it be presumed what resolution they would come to. All he could say was, that the committee was pursuing the investigation of the subject with the diligence which the importance of the subject required, and the fidelity that the trust reposed by the house demanded. He could not say at what time the Report would be made, though the committee, for its own sake, would be anxious to terminate its sittings as soon as possible. He thought it right to say thus much, in order to correct any false or premature statements that might have gone abroad.

The *Speaker* informed the noble lord, that it would be his duty to apply to that house for summary redress against any persons that should again so violate their privileges.

Lord *Binning* pledged himself to the house, that if such a circumstance should again occur, he would bring it forthwith before the house.

HOUSE OF COMMONS.

Monday, March 28.

[MINUTES.] Mr. Biddulph, the chairman of the committee appointed to take into consideration the Petition complaining of an undue return for the borough of Penrhyn, reported, that the sitting member, Charles Lemon, esq. was duly elected, and that the said petition was frivolous and vexatious.—Mr. M. Pitt, the chairman of the committee appointed to take into consideration the Petition complaining of an undue return for the brother of Stirling, reported that A. Campbell, esq. the sitting member, was duly elected, and that the said petition did not appear to them to be frivolous or vexatious.

[Irish Expresses.] Mr. *Parnell* made his motion on this subject. During the last four years above 25,000*l.* had been paid by the Post Masters General of Great Britain, towards the establishment of Government Expresses from London to Dublin, without parliamentary authority. He wished to know, therefore, under what authority that sum had been paid. He wished also to obtain information respecting the steps intended to be taken for the improvement of the regular communication by mails and packets between London and Dublin. He repeated the statements which he made on a former night, respecting the exclusive communications which had been made by the Irish government to the editor of a Dublin newspaper, by which he was enabled to anticipate his contemporaries; and contended that such a practice must inevitably ruin the other Irish papers, and materially injure the liberty of the press. He trusted, therefore, to the candour and liberality of the hon. bart. that he would abandon this obnoxious practice. He moved, That there be laid before the house, a return, showing by what authority the Post-Master General of Great Britain had paid the sum of 25,097*l.* for Government Expresses between London and Dublin, from the 1st of Jan. 1804, to the 1st of Jan. 1808.

Sir *A. Wellesley* had no objection whatever to the motion. As to the communications which had been made by the Irish government to the editor of a Dublin newspaper, they had been made, because when an express did arrive, it was deemed expedient not to withhold from the Irish public the intelligence brought by it: they had been made to the editor of that paper, because it was the only daily evening paper published in Dublin; and they had been made to him alone, because it was not practicable to send one set of papers to more than one place. He repeated that the paper in question was by no means in the interest of government, but was totally unconnected with it. With regard to the information respecting the improvement of the ordinary intercourse between the two countries, the subject had engaged the serious attention of Government, who had for some time been concerting measures with the Post-master General for the attainment of so desirable an object. He trusted therefore, that the hon. gent. would not press his motion on that subject.

Mr. *Parnell* acquiesced in the wish just expressed by the hon. bart. On the other part of the subject it appeared to him, that although one set of papers could only be sent to one place, it would be an easy matter to let the different editors have access to them. He again insisted strongly on the injurious effects which the present system of partiality must necessarily produce, both on the individuals immediately affected, and on the Irish public at large.—The motion was then agreed to, as were also two subsequent motions by the same hon. gent. for an Account of any sums which had been repaid to the Post Master General, and by what authority; and for an Account of the Expence of King's Messengers from 1801 to 1808.

[Austrian Mediation.] Mr. *Whitbread* rose to ask a question he had once before put to the right hon. secretary, and to which, if he understood it well, he had then received an answer in the negative. The question was if no communication had passed between the court of Vienna and this country, from April to Oct. last? Since he had received the answer to which he alluded, the Declaration had appeared, and it afforded information, that in July certain propositions had been submitted to this country from the court of Vienna; and that an answer to them had been returned from this country, which he (Mr. W.) should suppose must have gone through the hands of the right hon. secretary. He now wished to ask that right hon. gent. if he had any recollection of such intermediate communication; or, if he was to understand that the assertion in the Austrian Declaration was false? He had two other questions to put to a noble lord, whom he now saw in the house (lord G. L. Gower); first, if the expression stated on a former night, to have been used to him, 'il faut pour le moment menager l'Angleterre,' had been communicated to ministers at home, in any of his dispatches at the time? The other, if he believed that such letter or other communication was in existence, that he would favour him with the date of it, as it was his (Mr. W.'s) intention to move for it, that it might be seen who the person was who used that expression?

Mr. Secretary *Canning* said he could only repeat, that as to the best of his recollection, no communication on the point alluded to by the hon. gent. had taken place. He did not say, that no communication had passed within the period alluded to; but certainly nothing like that stated by the hon. member. As to the questions put to his noble friend, he could only say, that if in his place, he should not feel it his duty to give any farther explanation than that given on a former night, as to the person by whom the expression was used.

Lord *G. L. Gower* said, the expression had been communicated by him to some person in this country, he believed, in a private letter.

Mr. *Whitbread* gave notice that he should move for this communication, with the date of which he hoped the noble lord would favour him, on the first open day.

[OFFICES IN REVERSION BILL.] Mr. *Bankes* rose to move for leave to bring in a bill to prevent, for a time to be limited, the granting of Offices in Reversion, or for joint lives, with the benefit of survivorship. Two principal reasons had originally actuated the committee of which he had the honour to be chairman, in recommending a bill of this kind to the consideration of the house. The first was an opinion that there was no utility in granting Offices in Reversion, but that it would be of infinitely greater advantage, both to the persons performing services to the state and also to the government itself, that an opportunity should be afforded, at the time a vacancy happened, of considering who was best qualified to supply it, than that it should be disposed of long before there was any prospect of a vacancy, thereby affording an opportunity to those in power at the time, of bestowing such offices on persons not meriting by their services any mark of public favour. The other was a consideration merely financial; it appearing to the committee to be advisable that the power of granting Offices in Reversion should be suspended, till they should have concluded their inquiries as to what offices were fit to be abolished, and what to be reformed. In what he should state to-day, he begged it to be understood, that he did not depart from any thing he had said when he first introduced this measure; he trusted the house would be actuated by similar sentiments, and would not so suddenly and lightly depart from what, in a former parliament, they had resolved unanimously, and in the last and present parliament had passed, though not unanimously, yet nearly so. He was one of those persons who wished to do all the good he could, where he was not allowed to do all the good he wished. Therefore, he should not to-day give any opinion on the first of the two points to which he had alluded, except merely to lay in his own claim to consistency in feeling his conviction of the propriety of the measure in no respect shaken. What he meant now to do, was to confine himself to the financial view of the subject, and to the giving time to the committee to report what offices should be abolished, and what reformed, before any additional grants in reversion were made. Another inducement which he had to proceed in this shape was, that it appeared to have been the opinion of persons in the other house, that such an alteration would have been advisable. He was at all times averse from agitating any question which might create differences of opinion between the two branches of the legislature; he would be willing even to sacrifice something, on such an occasion, to prejudice, where it was not connected with any general question. Harmony was peculiarly desirable at the present moment; and he hoped, that limiting the duration of the bill to such a period as would enable the committee to make their report, would have the effect of removing every objection which had been urged to it in another place. As to the question of prerogative, he begged to express every respect and regard for the feelings of the executive government; but, at the same time, he could not carry his deference for it so far, as to believe that any office in a free constitution could be established, but on account of the public service; and if, from accident, or change of circumstances, offices of duty became offices of sinecure, so that the establishment of other offices of duty became necessary, he could not agree that these useless sinecure offices ought, on that account, to be retained. It was but fair that the public should be assured that the money drawn from them was not lavishly expended in sinecure-places, and it would be a satisfaction to them to understand that those places of duty which were retained, were far from being overpaid. It was chiefly sinecure offices which were granted in reversion. It was therefore the more necessary that the granting of them should be suspended, at least for such a period as would enable the committee to make their report. He concluded by moving for leave to bring in the bill for a time to be limited.

The *Chancellor of the Exchequer*, though he had no objection whatever to the motion of his hon. friend, thought it but candid to state to him, that, in all probability he should feel it to be his duty to propose several amendments to the bill in its progress through the house. He agreed fully with the hon. gent. as to the expediency of preserving a good understanding between the two houses of parliament; and therefore, although he allowed that these were objects of such importance, that even the risque of a breach ought to be incurred rather than they should be abandoned, yet as he had always considered the present measure as of no very great importance, and had always so expressed himself upon it, he would rather oppose its production than admit it, were he apprehensive that such an unpleasant consequence would ensue. But it was probable the bill might be so framed as to answer all the chief objects of the persons most attached to the measure, and at the same time be exempted from opposition elsewhere. It was in that view he meant to recommend his amendments. His hon. friend had stated, and he wished it could have been stated more regularly, that an amendment to the last bill had been proposed in the committee of the house of lords, by which amendment he meant to be regulated in the construction of the present bill. Now, as that amendment had been negatived, to proceed upon it in the formation of the present bill, appeared to him to be the sure way of incurring the evil which it was so desireable to avoid. One of the great objections also that had been made to the bill in another place, was that it destroyed a prerogative of the crown, without such a previous enquiry into a demonstration of abuse, as would warrant parliament in their interference. That objection, in its degree, must apply to the bill as it was proposed to be introduced by his hon. friend. There were two great objects which the house had in view in this measure; the first was to obviate improvident grants, by attaching immediate instead of remote responsibility to the advisers of those grants. To remedy this, he should propose a clause, by which no grant should be considered valid until it had been publicly announced in the London Gazette. The other great object which the house had in view was, that their expectations of any reform or retrenchment resulting from the report of the Committee of Finance should not be disappointed. For this purpose, it was his intention to propose that for a limited period, every reversionary grant should be subject to abolition, or any alteration that his majesty, with the advice of parliament, might think proper to make in it. These propositions would, in his opinion, meet the views of his hon. friend, and might at the same time relieve the bill from the danger which had hitherto been so fatal to it. With respect to the pensions mentioned by his hon. friend, it would be found on examination, that they were chiefly in the revenue departments, granted to persons grown old in the exercise of their official duties. He was convinced that they were of a description which the house would never wish to abolish; but this subject would more properly come before them when the report of the Financial Committee had been presented.

The Hon. *J. W. Ward*, after having stated the benefits which the adoption of this measure would afford, observed, that the principal cause of his regret at its having been lost in the other house was, that it showed that that branch of the legislature was not disposed to assist the house of commons in redeeming the pledge which they had a few years ago given the people to enquire into and to reform public abuses. That their lordships had been actuated by the sincerest wishes for the public advantage, he would not deny; but he certainly did not think that the wisdom of their decision corresponded with the purity of their motives. He was ready fairly to own, that he did not look upon economy as a means of considerably alleviating the public burthens. But although it would not do so much as some expected, and as all wished, it would be consoling for the house to reflect, that under the present circumstances of the country, when the people were called upon for such extraordinary sacrifices, every thing had been done by the legislature to prevent an unnecessary aggravation of their hardships. There existed in the country a description of persons encreasing with the weakness of the country—persons unconnected with any party in parliament, but whose great object was to decry parliament altogether. The leaders taught, and the followers believed, that parliament disregarded the interests of their constituents. This was a danger daily augmenting; the only way of meeting it was, by a conduct that should not only be free from guilt, but also free from suspicion; by adopting measures that should show unequivocally the disposition of parliament to correct public abuses, and to reduce the public expenditure. For this purpose it was most desirable, that the principle of this bill should be recognized by parliament. It would indeed be most unfortunate, if the great aristocracy—if the hereditary counsellors of the king were so much misled, as to refuse to make this recognition. That misfortune would be much encreased, if certain illustrious personages, to whose splendour the house of commons had lately contributed so largely, should be so misguided as to take part against a measure not directed against the prerogative of the crown, but simply having in view the methodising—the regulating, and, if possible, the diminution of the public expenditure. It had been supposed, that because the bill had not much intrinsic importance attached to it, the public was but little interested in its fate. The contrary was the case. This circumstance rendered the rejection of it more odious, as it shewed that it was the principle which was rejected. We had witnessed prodigious revolutions in the state of empires; some monarchies had been totally uprooted; others had been shaken to their centres. He wished that those persons who were most deeply interested, would examine the history of these awful changes. They would find that they had been uniformly preceded by a strong desire in the people for reformation and retrenchment, and by a stubborn, proud, obstinate resolution, in the princes and nobles of the land, to resist that desire. He anxiously hoped and sincerely prayed, that this country was far from being placed in such circumstances; but he must say, that if any one line of conduct was more favourable than another to the views of those who were the advocates of revolution, it was precisely that line of conduct which had lately been adopted by the upper house of parliament. Adverting to the objections to the bill, which had so suddenly flashed upon the mind of the right hon. gent. opposite, he observed that this circumstance suggested to his mind very serious reflections on the nature of the influence under which that right hon. gent. and his coadjutors acted—an influence as destructive to their own dignity, as it was to the interests of the people. They were ministers, and no ministers; they were subject to be thwarted by a secret but irresponsible power. They had the title without having the privileges of office. He professed a respect for the abilities of some of the ministers, and was surprised how those to whom he alluded (looking at Mr. Canning) could possibly so far demean themselves as to submit so completely to this influence; for it appeared from the paper in his hand [the extract from the Lords' Journals], that the ministers were not the confidential advisers of the crown. Among the many strong objections to the present ministers as a body, there was this serious one, that they had contributed in almost an unprecedented degree, to the increase of the power of the secret faction; and they now reaped the fruits of their conduct in the degradation of office. He was no friend to the present administration; but such as it was, while it did last, he wished it to be invested with the power which belonged to it, and that it should not be degraded by a subjection to court influence. He cordially supported the motion; if he had any objection to the proposition of his hon. friend, it was, that he did not submit the bill in a shape as nearly resembling the former one as was compatible with the rules of parliament.

The *Chancellor of the Exchequer* in explanation repeated, that in his opinion—an opinion which he had before expressed in the house, the measure was not of considerable importance. The amendments which he had described he should propose to the house for the express purpose of endeavouring to carry into effect more securely the objects in view.

Mr. *W. Dundas* professed to entertain the highest respect for the Committee of Finance, but he could not help thinking, that the rights of the crown ought to be held equally sacred with the rights of the people, and that by sanctioning a bill of the nature of that now moved for, these rights would be essentially invaded, for the circumstance of its operation being restricted to limited time, did not at all change the obnoxious nature of its principle. Whether it was to be of perpetual or only temporary duration, it was equally an infringement of the legitimate rights of the crown. The hon. gent. who had supported the measure, talked as if he had been arraigning the other house of parliament in rejecting the former bill for sanctioning some enormous abuse, or for usurping some prerogative which did not belong to it; whereas no abuse had ever been proved to exist, and the house of lords had merely exercised a right which was vested in it by the constitution. He gave it as his opinion, that the bill, either in its former shape, or that in which it was now proposed to frame it, would not tend to relieve the burthens of the people in the slightest degree. No person had a right to call in question the motives by which any member in that house was influenced in his parliamentary conduct; but he declared, upon his honour, that he acted most conscientiously in opposing a measure, the tendency of which was to take from the power of the crown, when it was not shewn that in any one instance that power had been abused.

Mr. *Ponsonby* made an apology for troubling the house, after the most admirable speech which had been made by his hon. friend (Mr. Ward), but after what had fallen from the hon. gent. who had just sat down, he could not refrain from making a very few observations. The hon. gent. had talked as if the prerogative of the crown was something independent in its own nature, and granted entirely for the sake of the reigning prince, without any reference whatever to the community over which he reigns. The hon. gent. also contended, that no abuse of this part of the prerogative had been proved. Mr. Ponsonby admitted that the Committee of Finance had not entered into any details of abuses flowing from the exercise of this prerogative, but he appealed to the understanding and information of every person who heard him, whether any part of the royal prerogative had been more abused than that of granting offices in reversion. The hon. gent. had reprobated the doctrine, that the house of commons was entitled to interfere with the prerogative of the crown, as a doctrine which, if once admitted, would reduce the constitution of the country to a mere shadow and pretence. Parliament had often interfered, and he hoped that parliament would continue to interfere with this prerogative, as often as the occasion called for it, and that it would always take care that the royal prerogative was exercised for the good of the people. Mr. Ponsonby admitted that there was considerable weight in what the chancellor of the exchequer had said, of the propriety of guarding against any thing which might tend to create a serious misunderstanding between the two branches of the legislature. But he reminded the house, that they were the constitutional guardians of the public purse, and that in this capacity it was peculiarly their duty to watch over every thing connected with the public expenditure. The power of granting of offices in reversion, certainly, therefore, ought to be subject to their controul. Nor did he really think that the danger which the right hon. gent. seemed to apprehend was seriously to be dreaded; for he was convinced, that if that house acted with spirit and vigour, the house of lords would see the propriety of concurring with them in any measure which might conduce to public economy. He was willing to give the right hon. gent. credit for his assertion, when he said, that he did not mean to thwart the object of the bill; at the same time, he could not help expressing his opinion, that the suggestions of the right hon. gent. if acted upon, were calculated to produce very bad effects. That clause which the right hon. gent. meant to propose, providing that no office should be granted in reversion without notice thereof being given in the Gazette, could serve no good purpose whatever. For, if it was meant to give parliament an opportunity of interfering, any ministry for the time being could easily prevent this interference by giving this notice at the conclusion of a session of parliament, or in the interval of a prorogation. As to the motion immediately before the house, he certainly did not object to it, though he did not think that it went far enough. If, however, the house did not do all the good that it ought to do, it would to him be some consolation if it did all the good which it could do; and he hoped that there would be the same unanimity now in agreeing to a bill for a limited time, as had been formerly manifested in passing a bill for an unlimited period. He was happy, also, that the chancellor of the exchequer had announced his intention of proposing certain clauses to be introduced into the bill, were it for no other reason than that these clauses would enable the house and the country to form some notion of what really were the sentiments of his majesty's ministers upon the subject, of which they were now completely ignorant. From what had fallen from the right hon. gent. in the progress of the former bill, it might have been inferred that ministers were favourable to it; but from the minutes of what had passed in the house of lords, a different conclusion might fairly be drawn.

Mr. *Biddulph* thought that the proceedings of the house of lords upon the former bill, went upon a principle which was unfavourable to all reform; and the clauses which the chancellor of the exchequer had this evening announced his intention of proposing, would not, in his opinion, tend in the smallest degree to remove the objections of those who had disapproved of the former bill, on the ground of its infringing the royal prerogative. The quantum of good to be obtained from the bill had also been much too lightly spoken of. When it appeared that certain persons possessed Offices in Reversion to the value of 20,000*l.* a year, it would not be easy to convince the people, burthened as they were with taxation, that every thing had been done which ought to be done in the way of economy. From the habits of some gentlemen, it was difficult for them to form an adequate idea of the sufferings of the people from the necessary taxes that they were obliged to pay. But if they had been accustomed to witness the distress of poor people, whom he had had occasion to see appealing against the property tax, he did not believe that they could have manifested so much aversion to a measure, the economical results of which, though they might not be very considerable in their amount, would tend at least to alleviate the pressure of these burthens in the minds of those who were subjected to them. Not the least recommendation of the present measure to him was, that it was the commencement of a system of reform, which might be pursued to a much greater extent than many gentlemen seemed to be properly aware of; and as a proof of what might be expected from it, he quoted the advantage which the public had already derived from the inquiry of the finance committee into the affairs of the Bank, by which taxes were spared to the amount of 200,000l. a year; though he conceived that that was not more than one half of the benefit which, under all the circumstances, might have been fairly expected.

Mr. *Hawkins Browne* considered the present Bill to be valuable as constituting a part of a general plan of reform, which he hoped would be pursued with zeal and constancy. He had seen what the people suffered from the burthens of necessary taxation, and while he lamented and sympathised with these sufferings, he had had great pleasure in witnessing the patience with which they were supported. It was most desirable, however, that both houses of parliament should concur, for without an agreement of the two branches of the legislature, no plan, however beneficial, could be carried into effect. He did not mean now to express any opinion respecting the clauses, which it was the intention of the chancellor of the exchequer to propose. If they were consistent with the object of the bill, they should have his support, and if they were inconsistent with this object, he should vote against them,

Sir *R. Salusbury* said that the bill should have his warm support.

Lord *Porchester* contended, that the clauses which the chancellor of the exchequer had intimated his intention of proposing would go completely to defeat the object of the bill; but as they were not before the house, he declined entering into a particular discussion of their merits. He deprecated the idea of the house of commons being deterred from doing its duty, from an apprehension of displeasing the other house of parliament. Neither could he agree with those, who thought that the object of the bill was so unimportant as had been represented, when it was recollected, that the late chancellor of the exchequer for Ireland had stated that it was impossible to carry some measures of reform in that country into effect, from the circumstance of some improvident grants having been made of Offices in Reversion. He thought also, that it would be much better for the house directly to negative the present measure, than to render its operations ineffectual by indirect means.

Mr. *Bankes*, in reply, expressed a hope that the chancellor of the exchequer would give sufficient notice of the precise nature of the clauses which he meant to propose, and also of the time when he meant to propose them. As far as he now understood them, he was of opinion that their tendency went completely to disappoint the object which he had in view in moving for the bill.—Leave was then given to bring in the bill.

[LOTTERIES.] Mr. *Scroop Bernard*, pursuant to notice, moved, "That a committee be appointed to inquire how far the evils attending Lotteries have been remedied by the laws passed respecting the same, and to report their observations thereon to the house, together with such further measures as may be necessary for remedying the same." The hon. gent. prefaced his motion by several observations, which, from the low tone in which they were delivered, we feel it impossible to detail. The general purport of them was, to show the loss sustained by the public from the present mode of contracting for Lotteries, and the artifices used to seduce the lower classes of the people to adventure in the same, to the great injury and impoverishment of their families. He quoted a passage from a statute, which stated Lotteries to be public nuisances, and agreed that the evil had of late risen to such a height, as to call for the interference of the legislature. The contractors, however, were not so much to blame; as, by purchasing the Lotteries, at a rate so much higher than the real value of the tickets, they were constrained to use the means they resorted to for the purpose of bringing themselves home again without injury; and if, from the report of the committee which he proposed should be appointed, it should be thought desirable that the present mode of carrying on Lotteries should be discontinued, he was of opinion that such persons as had embarked property in such speculations should be saved harmless.

The *Chancellor of the Exchequer* did not mean to oppose the motion, though, at the same time, he was not prepared to say that if it was the object of the hon. gent. to abolish the present system of Lotteries, by which the public gained to the amount of 5 or 600,000*l.* annually, he should consent to any such proposition. There had been many remedies provided by statute for evils arising from Lotteries, and as he could not say that others might not also be devised, he should agree to the motion of the hon. gent. for a committee to enquire. As to the statute which had been quoted by the hon. gent., he had only to observe, that it had been passed for abolishing unlicensed Lotteries, and did not at all apply to those Lotteries which were every year sanctioned by an act of the legislature, and the evils of which even had been aggravated, of late years, by the practice of granting private lotteries by act of parliament, much to the prejudice of the public lotteries. If the object of the hon. gent. was to reduce the price of tickets to the actual value, as that would interfere with the source of public profit upon Lotteries, he could not agree to his proposal, though he should be disposed to assent to any proposition, which would be calculated to diminish the evils arising from insurance, which had always been the source of the greatest mischief.—The Committee was then appointed.

HOUSE OF LORDS.

Tuesday, March 29.

[Orders in Council, as connected with America.] Lord *Holland.* My lords; in pursuance of the notice I have previously given, I now rise to submit to this house certain Resolutions upon the general policy of those measures which his majesty's ministers have thought proper to carry into execution against the rights of neutral and independent states. In discussing this momentous subject, both as to the application and effect of the measures adopted, I can safely assume, that under the designation of neutral countries, America stands the most prominent, if not the only nation against which the immediate operation of the Orders in Council is directed. In the many debates to which these Orders have given birth, it has been argued with considerable force by my noble friends near me, that the system pursued by the king's ministers, since the 11th of Nov. last, was not only incompatible with that public law which hitherto regulated the conduct of civilised nations in their intercourse with each other, but was also repugnant to the municipal enactments of this country. Upon this part of the subject it is not now my intention to enlarge, for, allowing that to be true which I do not feel, namely, that the Orders in Council were justified by the law of nations; allowing that in place of being hostile to the spirit and letter of our municipal code, they were to be defended by the provisions of positive statutes; still I contend, that under the present circumstances of the world, and with a view to the nature of the relations existing between this country and the U. States of America, and, above all, as I reflect upon the dangerous consequences to which they will probably lead, still I contend, that upon their policy alone his majesty has been advised to adopt a course of proceeding vitally injurious to the best and most essential interests of G. Britain. It is with such an impression that I have felt it a most pressing duty to call upon this house to interpose. I call upon it to record its deliberate opinion upon the ruinous impolicy of the conduct pursued by his majesty's ministers. Past experience has proved, that such an interference on the part of the parliament of this country has heretofore stopped the career of injudicious violence, and preserved the country from the difficulties and dangers which the continuance in a course of policy similar to this must have inevitably intailed. We have not yet, fortunately, so far proceeded in this path of impropriety, as to be deprived of the power of retracting our steps. We have not plunged so deep into this sea of troubles, that we may not yet be able to regain our course. We have not yet gone so far in this work of calamity, that the warning voice of this house might not still save us from impending ruin and absolute destruction. That ruin and that destruction there was no more certain method of effecting, than by driving the people of America into hostility with G. Britain. And what other effect than this can the noble lords opposite expect? Do they conceive that a great and independent nation, with rights and interests which it is her duty to protect, will quietly succumb to a course of proceeding which goes to interrupt the whole of her extensive commerce with the continent of Europe, and subject to imposts, to prohibitions, and, in some cases, to confiscation, her shipping and cargoes. It is impossible that any such hope could be entertained, even by the most credulous. But, was this all? Were ministers satisfied with the aggression committed by the execution of the Orders in Council on America? No; insult was added to injury, and the evil was considerably aggravated by the contumelious manner in which it was carried into effect. This system, so destructive to the prosperity of America, is first adopted without any alleged provocation, and of the intention of acting upon it the ministers of this country would not deign to communicate to the American government any previous intimation. Indeed, we have it from their own mouths, that even the very gentleman (Mr. Rose) whom it was deemed advisable to send so recently to that country, on a special mission, was, at the time of his departure, totally ignorant, not only of the nature of these Orders in Council, but of the intention of the king's government to resort to such a course of policy. And, my lords, let us consider the period which was selected for the adoption of this system. It was at a time when, from certain occurrences, our relations with America were disturbed, and when actually a special mission was sent forward, by G. Britain, to enter into such explanations as were most conducive to an amicable arrangement upon that point. Under such circumstances it was that ministers ventured to carry into operation measures which go to deprive a great and growing nation, such undoubtedly as America is, of its great staple trade, namely, the exportation of cotton to the continent of Europe; and subject to the taxation of a foreign state, possessed of no right or controul over her, the whole of her commercial and shipping interests. One would have thought that there could not be found in this country, so recently after what has happened in our connection with America, persons determined to revive that principle of American revenue which lost that country for ever to G. Britain.—It was not only to impositions or restrictions upon her trade that these Orders were limited. They took a more extensive range, and were attended with more violent consequences. They devoted to confiscation any American vessel on board of which a French certificate of the growth and origin of the cargoes was found by any of our cruizers. It is necessary on this point to observe, that any belligerent has a right to demand such a certificate from any neutral trading to the ports of that belligerent. Such a right was recognized by the law of nations, and had been exercised heretofore by France, and also acted upon in this country. To the Americans trading to the ports of France, it was necessary, in order to legalize the sale of their cargo in that country. But, the Orders in Council have reduced them to this dilemma, that without this certificate of origin, they are liable to confiscation in any port of the continent of Europe, subject to the dominion of France; and, on the high seas, the very discovery of this document, by a British cruiser, is sure to expose them to unconditional confiscation, in all places under the dominion of the sovereign of this united kingdom.—But, without arguing upon the abstract merits of this part of the subject, the fact was this. That the certificate signed by the French consul in the ports of America was but a sorry security to France against the importation of British produce and manufactures into the continent of Europe, whilst its possession by the American trader gave him the ability of conveying into the very ports of the enemy, without risk or disturbance, those very articles, against the introduction of which this very document was substituted as an expedient. But, it was not merely in the measure of the Orders in Council that this disregard for the friendship and amity of America was evinced. The same feeling uniformly characterised every proceeding of the king's ministers with regard to that country. It was manifested in the tone and temper of the communications which had recently taken place between the two governments, and most conspicuously so in the manner in which the negociation, which, in concert with my noble friend near me, I had the honour to conduct, was so improvidently and intemperately broken off by his majesty's secretary for foreign affairs (Mr. Canning.) And, with respect to that treaty, I must be allowed to offer a few observations, in order to rebut the misrepresentations which have been so industriously circulated out of doors on this subject. It has been asserted, that the executive authority of America had actually sent back the treaty itself, with a refusal to ratify it; and that certain amendments were affixed, without which it would never be sanctioned in that country. It is not true that such a proceeding took place. It was true that a copy of the treaty had been transmitted from America, with certain explanations, which the president of the U. States had temperately recommended as proper to be maturely determined, particularly upon the point affecting the right of our armed ships to impress American seamen. No such peremptory admission was affixed, and, therefore, it is with no small share of astonishment, that in the form in which the copy of that treaty is printed for the use of this house, and with the proposed amendments affixed to the margin, I find the source from whence this impression on the public mind originated. I do not charge any person with such an intention, but am certain that it was calculated, and actually did produce this delusive effect; and, moreover, I do assert, that these proposed amendments were not meant as the sine qua non, without which the president of the U. States would not sanction the treaty. In all former discussions on the subject of the Orders in Council, the great ground upon which ministers have ventured to defend them, the only point of justification on which they rely, is the Order of the 7th of Jan. 1807, which the late administration had conceived it its duty to enforce. If, therefore, this ground be proved to be not only untenable, but that ministers themselves were aware of its not being at all applicable to the system which they have pursued, there is a duty left for this house to interpose by its solemn and recorded resolution. The Order of the 7th of Jan. did not excite in America any strong objections against the principle of the policy. The uneasiness that was there excited, and the apprehensions which were entertained on that subject, arose from a total misconception of the American government as to the legal construction of that Order. It was supposed by them, that the operation of that Order was directed, not only against the coasting trade of the enemy, but to interrupt neutrals in a commerce of discharge from port to port of the enemies territories. That is, an American ship, trading direct to Bordeaux, and there having disposed of a part of her cargo, was restricted from continuing her voyage to any other port, for instance, Amsterdam, in order to sell the remaining part of her cargo. Accordingly we find, that Mr. Madison, in a note to the British envoy, did express such an apprehension, and his majesty's present ministers were advised of such a communication being made, in April last. What was the conduct pursued by them, on receiving such an intimation? Did they proceed to dissipate the apprehensions so ideally entertained by the American government? They did no such thing: they, the king's ministers, in full possession of the means of knowing that the uneasiness was unfounded, positively abstained from any step calculated to explain to America the fallacy of its fears, or to uphold, from the censure of imputed violence and aggression, the character of their sovereign's government. What the motives were which could induce them to this desertion of their public duty, it were difficult to determine, had not subsequent occurrences served to solve the difficulty: it only could be attributed to the anxious wish of converting the effects of this misapprehension into a weapon against their political opponents in parliament, to have the opportunity of throwing Mr. Madison's opinion on that Order, in the teeth of those who felt it their duty to expose the injustice, improvidence, and insanity of that system which commenced its operation on the 11th of Nov. Honourable and conscientious atonement for a breach of public duty! I assure the noble lords that I envy them not the gratification of a triumph so obtained; neither could I appreciate that as an advantage, which compromised the character and consistency of the country.—The noble lord next adverted to the clamour which had been raised upon the pretence that in the late negociation conducted with the American commissioners, an intention was manifested of yielding any of the maritime rights of this country. He admitted, there were considerable difficulties in the way of an arrangement with respect to the impressing of seamen; but still he did not think them insurmountable: of our right to take British seamen out of American merchant vessels, there could be no doubt; but how did this right arise? The American merchant vessel, met on the high sea by a British ship of war, was extra-territorial, and the latter had an undoubted right to take out of her a British seaman for his majesty's service; but it was also a right on the part of the American, that no American subject should be taken, and that the British right should be exercised as moderately as possible. Between these conflicting rights it might be difficult to make an arrangement; but, surely, it was unwise to shut the door against any arrangement. His lordship took a view of the effects likely to result from the Orders in Council, and contended that it was clear they would produce injury to our manufactures; and, as to the West India interest, which it was boasted would be benefited, how was this to arise if a war took place with the U. States, which, he contended, the Orders in Council were calculated to produce, when it was clearly ascertained, that the West India islands depended upon the U. States for a large proportion of their provisions? In whatever point of view these Orders were considered, they must, he contended, be found highly injurious to the interests of the country. If it was the object of Buonaparte to force America into a war with this country, this measure tended to facilitate that object; the policy should rather have been to have remained quiet, and if Buonaparte had urged the American government to a war with this country, then all the odium would have remained with him, and a large proportion of the population of the U. States would have been with us. When we saw all Europe under the dominion of one man, pressing and urging forward plans inimical to the interests and happiness of mankind, we might have looked to America for that order of things congenial with our own feelings and our own views, and as forming a counterpoise to the power of the ruler of the continent; whilst G. Britain held the balance between the new and the old world, and enjoyed all those immense advantages which must result from such a commanding situation. The measures of ministers, however, forbad this pleasing prospect, and threatened us with a war with those, from whose increasing prosperity we might otherwise derive the most solid advantages. His lordship concluded, by reading the following Resolutions, the first of which he moved:—1. "That it appears to this house, that his majesty hath been advised, without any alleged provocation from the U. States of America, to issue Orders in Council, on and subsequent to the 11th of Nov. 1807, for interrupting nearly the whole of the commerce of the said states with the continent of Europe; for limiting such trade to be carried on in future through British ports only, (with the exception of neutral and allied ports in certain cases); thereby exposing it to such restrictions and duties, and even prohibitions, as the government of G. Britain may think fit to impose upon it; and for confiscating the property of the citizens of the said states, in all cases where the same shall be accompanied by particular documents, certifying the place of its growth or manufacture.—2. That it appears to this house, that previous to the issuing of the said Orders in Council, a negotiation had been carried on between this country and the U. States of America, for the maintenance of peace and friendship between them, and that a treaty had been actually signed respecting some of the most material points in discussion; that a desire had been expressed by the government of the said U. States for the addition of certain other provisions to the said treaty, and that a proposal was made for renewing the negociation for that purpose; but that this offer was abruptly and intemperately rejected by his majesty's ministers.—3. That at the time when the said Orders were issued, his majesty's ministers had recently received from the ministers of the U. States in this kingdom, assurances that the injurious decrees of his majesty's enemies had not, in any one instance, been executed against the commerce or navigation of the U. States: and that from all that had passed subsequent to the issuing of the said decrees, his majesty's ministers had every reason to conclude, that any attempt of the enemy so to execute the same, would be decidedly resisted by the government of the U. States; whereby it must have happened, either that the said decrees would have continued to be wholly nugatory and ineffectual, or that the enemy, by endeavouring to enforce the same, would have driven the U. States into a closer connection with this country.—4. That it appears to this house, that the Order issued by his majesty in council, on the 7th of Jan. 1807, was not intended to interrupt neutrals in a commerce of discharge from port to port of the enemies territories; that such was understood to be its legal construction by those who were in his majesty's service at the time the said order was issued; and that an explanation to that effect was given by them to the Danish minister, in an official Note dated on the 17th of March, 1807.—That in a note from the American secretary of state to Mr. Erskine, dated on the 20th of the same month, considerable uneasiness was expressed, under an apprehension of a contrary interpretation of the said Order; and that the above mentioned Note was actually received by his majesty's present ministers in the month of April last. Yet no steps have been taken thereon, up to the present hour, for removing the unfounded apprehensions of the American government on a point to which they appear to have attached so much importance. And that by this omission, much unnecessary irritation has been suffered to prevail in America, long after it was in the power of his majesty's ministers to have effectually removed the same; and fresh obstacles to conciliation and friendship have thus wantonly been interposed.—5. That it is, therefore, the opinion of this house, that the said Orders are in themselves unjust and impolitic; that the issuing of them at the time, and under the circumstances, above mentioned, was an act of the utmost improvidence and rashness: and that by abruptly breaking off a friendly negotiation, and withholding a satisfactory explanation on a point, on which it might have been given with so much ease and advantage, his majesty's ministers have acted in diregard of our true policy, which is to cultivate the friendship of a nation, whose interests and prosperity are so intimately interwoven with our own; and have conducted themselves in a manner the least adapted to enable his majesty to maintain that maritime superiority, on which the greatness, and even the existence, of his empire so much depend."

The Earl of *Westmoreland* contended, that the Order of blockade, issued by the late administration in May, 1806, produced the Berlin decree in Nov. 1806, which gave birth to the Order in Council of the 7th of Jan. 1807, which produced the further and more severe decree of the French government against commerce, and which rendered necessary the Orders in Council of November, 1807. The noble lord also contended, that the conduct of the late administration, in throwing Russia into the arms of France, occasioned the loss of Portugal, which rendered necessary the expedition to Copenhagen. With respect to the Order of the 7th of Jan. he maintained, that its legal construction went far beyond the interpretation put upon it by noble lords on the other side, and it was thought by ministers a preferable mode of conduct to leave the Note of Mr. Madison unanswered, and to wait the result of the treaty. The Orders in Council, his lordship contended, were necessary, in order to maintain our own commerce, and to prevent the enemy from enjoying all the advantages of peace, through the medium of an extensive neutral commerce, whilst our own trade was suffering under depression.

Lord *Auckland* maintained, that the true interpretation of the Order of the 7th of Jan. was to be found in the Note of lord Howick to Mr. Rist, and contended, that ministers ought to have made that interpretation the basis of a communication on the subject to the American government.

The Earl of *Darnley* followed on the same side, and contended, that the Order of the 7th of Jan. was strictly within the law of nations, whilst the Orders of Nov. last were wholly contrary to that law.

The Earl of *Lauderdale* said, he had not intended to have troubled their lordships any more on this subject, as it had been most ably discussed by his noble friend; but, what fell from the noble earl opposite by way of invective, and to raise a laugh against the late ministers, induced him to break silence. The noble lord had stated, that the cruel attack on Copenhagen was caused by his majesty's late ministers: the argument that had been adduced to prove it, was too weak to require an answer, and he would pass the assertion with what it deserved—contempt. But the great question for noble lords to consider was, whether the measure of the late Orders in Council was a good one or not?

Lord *Mulgrave* denied that the interpretation given by noble lords on the other side, to the Order of the 7th of Jan. was consistent with its fair and legal construction. With respect to Russia, the noble lord contended, that the conduct of the late ministers had tended to indispose that power towards this country; and, with respect to the Orders in Council of Nov. last, he maintained their necessity, policy, and expediency, and saw no reason to believe, that any intelligence of them could arrive in America, so as to operate at the seat of government, in contributing to produce the embargo.

Lord *Grenville* observed, that were it not that ministers were eager to catch at any thing which could enable them to avoid the particular subject under consideration, and to distract the attention of their lordships, they would never have wandered so much from the point as to enter upon the discussion of the merits of the conduct of the late government towards Russia. They having adverted to that, however, he might be allowed to say a few words by way of reply. Assurances of aid, it was said, had been given to Russia, which were not followed up by corresponding efforts. Where did that appear? Russia might naturally be anxious to obtain, but it was for the government of this country to consider whether it ought to promise or to grant. The whole correspondence was a series of refusals—refusals justified in every view of sound policy by the then situation of affairs. With respect to the refusal of the loan, his lordship stated, that the late government had seen no hopes of such advantages resulting from a compliance as would counterbalance the additional pressure on the people which it would occasion, if granted in the manner solicited. It was required that it should be raised at 5 per cent. and that it should be guaranteed by parliament. Was there any man who could say that this was a requisite which ought to have been complied with? With regard to the point of co-operation, he said, that whoever considered the state of the contending parties at the time, coolly and dispassionately, must be convinced, that it would have been madness to have sent an army to the continent. It was not money that Russia wanted, nor the comparatively feeble aid which we could have sent her. The resources of that great empire had not before been well organized: France had from the other corner of Europe met Russia with equal or superior numbers on her own frontiers; France had for 17 years been engaged in war, and there was a difference, therefore, in the experience of the officers and the soldiers. These were the causes of failure on the part of the Russians, who had most unjustly been charged, by the present ministers, with having unnecessarily put an end to a contest which, if continued, could only have been attended with additional disasters. The facts of the case had been rendered more notorious than he could have expected them to have been. At one time the contest assumed something like a doubtful appearance; but when examined into, these appearances were found to be completely fallacious. The illustrious officer (lord Hutchinson) on whose opinion, in this case, the late government had been disposed to place a great deal of reliance, had at first suggested that some co-operation might be of use. But when he had visited the scene of action, he then immediately saw that the idea of military aid from us would be of no advantage, and had accordingly said, "for God's sake, don't send a man: they can be of no use here, and most probably not one of them can ever get back again."—In answer to his noble friend, the ministers had entered upon a discussion of the effects of the Order in Council of the 7th of Jan. in pursuance of their plan of avoiding the subject more particularly before them. But the proposition of his noble friend had nothing to do with that, nor with the late Orders in Council generally. It only related to them so far as they affected our relations with America, and to this point his noble friend had confined himself, in arguing, that they would be attended with the most pernicious consequences to this country. The evidence which had been given at the bar, had been called by ministers ingenious speculations. Whether the assertions of ministers, who said that these Orders would be beneficial to our commerce, or the evidence of those practically concerned, who affirmed, that they would be destructive to it, were most to be relied on, he would leave their lordships to decide. But his noble friend had only adverted to that evidence for the sake of a fact, which had been proved beyond the possibility of contradiction; that the intelligence of the Orders in Council had reached America previous to the embargo. Since the fact had been known to one individual, it must have been in the possession of the commercial interest in general, and have reached America through a variety of channels, and this he understood actually to have been the case. The embargo must have been the consequence; for it was impossible, that the decrees of France could appear of such consequence to America, as to induce her to undergo the hardships which she must feel from this measure. It was a matter of substantive charge, too, against ministers, that they had not explained the Order of the 7th of Jan. to the Americans, so far as related to the discharge of cargoes at one port, and taking in others at other ports. They knew the meaning of the Order in this respect, and if they had been desirous of conciliating America, they would have explained it. With regard to the treaty lately negotiated, that was now before the house, and the members of the late government would be ready to enter upon the discussion of its merits, when the subject should be specifically brought under consideration. The manner in which the negotiation on that treaty had been put an end to was most intemperate and absurd. Nothing had been more common than to suspend ratification, in order, if possible, to have something added, omitted, or altered. The instances of this were innumerable; and he affirmed, that no men of sound judgment, being at the same time desirous of conciliation, could have put an end to the negotiation in the manner ministers had done. He was glad that now, however, the conviction began to prevail among the people, and even with the government, that the neutrality of America was advantageous to this country. Every one knew with what industry ridiculous opinions had been circulated, that we should lose less by a war with America than we did by her neutrality, because our commerce was carried on in her shipping instead of our own. The very advantage to us was, that our commerce was by means of American shipping carried on with the enemies colonies and ports, into which British ships would not be admitted. He would not enter into the particulars of the calamities which might result from a war with America in our present situation; the loss of our trade with the continent; the loss of the supplies to the West Indies; the loss to our own home manufactures, &c.; but it was obvious, that it would be a most serious calamity. Still, he advised no concession inconsistent with the honour of the country, in the proper sense of the term. But honour and dignity consisted not in holding haughty language with a friendly power. He agreed with the noble lord who spoke last, that nothing said in that house could have the effect of driving America into measures of hostility which she would not otherwise have recourse to. If both governments understood the interests of their respective countries, war might still be avoided. America would consult her dignity by acting directly contrary to the spirit manifested by our government, by offering explanation, by seizing every opportunity of negotiation, and by employing the most conciliating language, while there was a chance that war could be avoided. It was a most inconvenient circumstance, that negotiation proceeded while the embargo continued; but still he was glad that negotiation was going on. If ministers, convinced of their error, should renew the relations of amity between the two countries, they would not be reproached from that side of the house with inconsistency. He concluded by expressing his perfect concurrence in the resolutions.

Lord *Hawkesbury* expressed his belief, that there was some ground for expectation in Russia that she would receive some assistance from this country. As to the exact nature or amount of that assistance, it was not for him to determine what it might have been; whether an expedition ought to have been sent to this point or the other, or at what precise period of the year it ought to have been equipped. A noble lord had dwelt with peculiar force upon the circumstance of a loan having been refused by this country to be granted to Russia. He lamented as sincerely as that noble lord, the burthens to which the people of this country were necessarily subjected; but, though it might not suit the convenience of the country to advance six millions as a loan or subsidy to Russia, was the government of this country to consider itself so far restricted by the proposition of an advance to that amount being made to us, that it was not at liberty to say what sum it could afford, or what amount of money the nation would advance towards the support of the common cause of Europe? This, he contended, ought to have been done; for, on Russia, and on the assistance that it received, in order to enable it the more effectually to resist that overwhelming power which had now almost deluged the continent, depended the welfare of almost every other state. If Russia had received sufficient assistance, the emigration of the court of Lisbon might have been prevented; and if Russia had been properly supported, it might not have been necessary to have made the late attack upon Copenhagen, which had been so much the subject of complaint.—There was another point to which their lordships' attention was particularly called; namely, the probable effect which our Orders in Council would have on the government of America, the degree of irritation which they would be likely to occasion in the minds of that people, or, in short, how far they would be likely to affect the relations, political or commercial, of the two countries reciprocally. At present, he would not tell all that came within his knowledge on that subject, neither would their lordships think it becoming in him, if, pending a negociation, he were, in his place in that house, publicly to announce the whole amount of whatever information he might obtain elsewhere, by means of his official situation. But, this much he could assure their lordships, that, notwithstanding the apprehension which some noble lords might have upon that point, and notwithstanding the alarm which appeared to be entertained elsewhere, he could assure their lordships, that no such disagreable sensation was occasioned in America by the promulgation of these Orders in Council. A noble lord, however, had stated, that it was proved at the bar that such was their effect; but this he begged leave to contradict, and in so doing he believed the house would eventually see that he was warranted by the facts as they would be hereafter disclosed. They had not a statement to that effect, but a speculative opinion of an interested merchant at their lordships' bar. With respect to the treaty that had been referred to, he had to inform their lordships, that the reason it had not been so speedily ratified as might have been expected, was, that an alteration had been made in it; not a trivial alteration or addition, but a most substantive and complete deviation from the principles upon which that treaty was originally agreed to: to the final execution of a document so altered, some resistance was naturally given; but there was good reason to believe, as indeed he wished, and no doubt every noble lord who heard him wished, that America must shortly have a proper sense of its own interest; and noble lords must see, that this was not to be obtained by a tame acquiescence in every fear or alarm with which weak or interested individuals might endeavour to impress their lordships.

Lord *Holland* replied to the arguments and assertions of noble lords on the other side. He particularly insisted, that it would appear, from the evidence which either now was, or would soon be, in the possession of each individual of that house, that the substance of our Orders in Council was known in America, before the laying on of the embargo in that country; a fact which was also apparent from this circumstance, that a description of the enactments of these Orders in Council was given in an American paper some considerable time previous to the laying on of the embargo.

The question was then put on the first Resolution, when the house divided: Contents, 25: Non-contents, 53. Majority, 28.—The other Resolutions were put, and negatived without any division.

HOUSE OF COMMONS.

Tuesday, March 29.

[Danish Fleet.] Lord *Folkestone* rose, pursuant to notice, to submit to the house a motion on the subject of the Danish Fleet. He professed himself to be one of those who had approved of the expedition against Copenhagen; but, the frivolous manner in which that expedition had been since defended by his majesty's ministers, had contributed considerably to shake his original opinion upon the question. When the expedition was undertaken, he thought it warranted as a measure of self-defence on our part, considering the situation of the continental powers at that time, and the probability there was of the Danish Fleet being added to the other acquisitions of France. He confessed, that so strong an act as this was, could only be justified by a most pressing emergency; and, therefore, it seemed to him that we were called upon by every principle of equity as well as of policy, not to appropriate the Fleet to ourselves in perpetuity; but to restore it, as soon as that could be done consistently with the maintenance of our own security. He was aware, that a proposition had been made to Denmark to restore it, provided the Danish government would consent voluntarily to surrender it into our custody; but this proposition was so degrading in its nature, that it could not be expected that the Danish government would accept of it, and he was of opinion, that that people ought not to be placed in a worse situation, than if such a proposition had never been either made by us or rejected by them. If we were to retain the possession of the Fleet in perpetuity, he was afraid that it might be alleged, that the proposition was made merely to obtain a pretext for following up a hard but necessary measure, by an act of injustice. His lordship concluded with moving, "That an humble Address be presented to his majesty, to assure his majesty, that his faithful commons, anxious that justice should at all times be done to the upright views which direct his majesty's conduct towards other powers, are desirous of warding off a suspicion, however groundless, that the late attack of Copenhagen was made less with a view of averting an immediate and pressing danger, than for the purpose of permanently appropriating to the use of this country a great increase of naval means: that his faithful commons observe that his majesty, not imputing hostile designs to the king of Denmark, but apprehensive lest he should not be able to resist the attack about to be made on him by France for the purpose of getting possession of his fleet and arsenal, was willing in the first instance to enter into negotiations with him, and to agree to take his fleet in deposit until the restoration of peace, and that it was only after all proposals to that effect had been rejected that operations were commenced for the purpose of securing it by force of arms: that his faithful commons humbly submit to his majesty, that it was hardly to be expected that an independent sovereign should consent to acknowledge by a public instrument his inability to defend his territory and capital; and that therefore it is by no means a matter of wonder that he should reject the proposal so offered to him: that he should endeavour to repel the attack made on him to enforce it, and by a declaration of war resent and attempt to revenge it, when the attack proved successful: that his majesty's faithful commons therefore trust that his majesty, making due allowance for the feelings which may fairly be supposed to have actuated the court of Denmark on this occasion, will not be induced, by any acts of hostility thus provoked, to forget the terms which his majesty first offered, and which seem to be all that the necessity of the case, and the safety of his dominions, required; and that he will still be ready to fulfil them on his part, whenever the restoration of peace, and the state of the continental powers of Europe, hold out a fair and legitimate hope that by so doing he will not be in fact adding to the means and naval resources of France: that his majesty's faithful commons believe and hope that such a conduct, as it will be perfectly in unison with the moderate and disinterested views which his majesty entertains, so it will make manifest to Europe, that while the enemy is actuated by views of ambition, aggrandizement, and conquest, his majesty will never be irritated by his example, nor induced by the possession of power, wantonly to attack the independence of other nations; that his sole wish is to obtain for himself and his people security and repose; and that if in the pursuit of these objects he is ever unfortunately compelled to adopt measures contrary to the interest of those states with which he is desirous of maintaining the relations of peace, he will yet seize the earliest opportunity, consistent with the honour of his crown and the safety of his dominions, to heal the wounds which he may have involuntarily given, and to make reparation for the injury which, in defending his rights against the unjust attacks of the enemy, he may have been necessitated to inflict."

Mr. *Brand* expressed much regret at seeing so thin an attendance upon a discussion of so much importance. Upon the question of the Copenhagen expedition, he had all along differed with those with whom he was in the habit of agreeing upon most political questions. He thought that expedition justifiable upon every principle of national and public law; but the grounds of defence which had been adopted by his majesty's ministers, he had no hesitation in pronouncing to be wholly untenable. A nation was certainly entitled to seize upon any instrument of hostile attack which was in the hands of a weak neutral, and which was likely to fall into the hands of a powerful enemy, and to be used by him for the purposes of further aggression. And, this being incontrovertibly a general principle, perfectly consonant to the law of nations, he contended, that there never were circumstances which more loudly called for its application, than those in which this country stood in relation to France and Denmark, when we took possession of the Danish fleet. But, having gone thus far in justifying the measure, he argued that the same reasons which rendered it necessary and proper that we should take possession of the fleet for a time, did not make it either necessary or proper that we should retain possession of it in perpetuity. Were the temper and views of Buonaparté to change, were his ambition to subside into a policy more consonant with the peace and happiness of mankind, and were a treaty of peace to be concluded similar to that of Westphalia, he thought, that it would be incumbent on this country to shew to Europe and the world, that its councils were not influenced by a selfish policy; but that having provided for its own security when that security was in danger, it was equally ready to respect the rights of other nations, and to make every reparation for a strong measure which was forced upon it by an imperious and overruling necessity. On these grounds, he should vote for the Address which had been moved by his noble friend.

Mr. *S. Thornton* expressed an opinion that the seizure of the Danish fleet could only be justified by an urgent necessity, and that, had no other measures of hostility taken place between this country and Denmark, that act on our part ought to have been limited by the necessity that gave rise to it. It ought to be remembered, however, that it was in the power of Denmark, at one time, to have secured the restitution of the fleet, but that she did not chuse to accept the proposition that had been made to her with this view. As matters now stood, the fleet had come into our possession by conquest, and it appeared to him, that publishing a declaration avowing our intention of giving it up, without any knowledge whatever of the future state of Europe, would be a step dictated neither by policy nor justice. The address was also, to say the least of it, the more unnecessary, as it was not known what intentions his majesty's ministers might have without the interference of the house of commons.

Sir *T. Turton* said, that if the weakness of Denmark had been the only reason why we should have had recourse to the seizure of the Danish fleet, in order to prevent its falling into the hands of France, a declaration of this kind would be very proper. But that was by no means the case, for there was proof of a hostile disposition on the part of Denmark ever since the French revolution. He denied that any new principles of morality had been maintained on that side. It had only been said, that circumstances might alter the mode of acting upon the old and real principles. Government might, perhaps, be disposed, in the event of a change taking place, which would fully restore the neutrality of Denmark, to give up these ships; but they ought not to be bound by a resolution of the house; such a resolution would only be giving an advantage to Buonaparte in any negotiation that might take place.

Mr. *Davies Giddy* supported the Address, not that he looked upon the restoration of the ships to Denmark as a matter of right; but that he thought it an act of generosity becoming the character of the British nation.

Mr. *Wilberforce* professed himself one of those who thought that ministers had conscientiously and ably discharged their duty towards the country, in taking possession of the Danish fleet. He was satisfied they were aware of all the objections in point of morality; but that a paramount duty had compelled them to over-rule those objections. He would not allow that any consideration of time or circumstances warranted a deviation from the great principles of morality. In the expedition to Copenhagen, there was no such deviation. A superior duty had outweighed a lesser; and that was itself one of the first principles of moral duty and moral reasoning. The transactions with respect to Portugal involved the same principles, and the result made no difference. It might have been said that Portugal should be controuled by force, and that Denmark might have accepted the proffered alternative of amity and protection. Denmark was unwilling to take any measure whatever of defence against France; and if she had been willing, all she could have done would have been inadequate. It was, therefore, perfectly allowable in us, to secure the arms, which, if directed against us, might be dangerous. But, he was unwilling to carry violence beyond what the necessity of the case required. He would not have the high character of the nation sunk, by shewing a disposition to retain a valuable possession, when the exigency that caused us to seize that possession should have passed away. He wished, therefore, to take no step, with respect to the application of the ships, which might make it matter of difficulty for his majesty to restore them, when circumstances should render that proceeding perfectly consistent with the public safety. The naval and military officers might be compensated as they usually were, by a compensation from the public purse. He wished to prove to Denmark, and to the world, that we were actuated by no feeling of interest in taking the Danish fleet; and that the fleet would be given back, if the independence of Denmark should be again established.

Mr. *Hawkins Browne* entered fully into the generous feelings of his hon. friend, and agreed that all he had said would have been applicable, if the Danes had no hostile feelings to this country, and if their weakness alone had been the ground of danger to this country. But Denmark had acted like an enemy, and was treated as such, and her fleet was as lawful prize as any of the enemy's ships captured at sea. The motion was, besides, imprudent, even if there had been a ground for it; for who was to judge when Denmark might be completely neutral or not?

Mr. *Hanbury Tracey* concurred in the motion. But, as to the ministers restoring the ships at the end of the war, he hoped that would not be exactly applicable; for he expected that before that time they would be out of power.

Mr. *Babington,* though he thought the expedition justified, concurred in the address, on the same grounds as his hon. friend (Mr. Wilberforce).

Mr. *Simeon* argued that there was no ground for such an address, either in point of justice, policy, or generosity. We were justified in seizing the fleet, on the ground of necessity, whether Denmark should be considered as weak or as hostile; and therefore could not be bound in justice to restore the ships after the course which Denmark had taken at the time, and subsequent to the event. The policy also would be absurd, flagrante bello; for it would prove an obstacle to future negotiation, and to our obtaining peace on such good terms as we might otherwise do. It would be regarded, in fact, as a censure on the expedition, and, therefore, he could see no ground for the motion, but a romantic generosity, which was of no use.

Mr. *Bathurst* could not agree with an hon. gent. on the other side, that the ships in question, whether our lawful prize or not (for into that question he should not now go), were to be considered as the same sort of capture as if they had been taken on the high seas, durante bello. He denied, that any conviction was entertained of any previous hostility on the part of Denmark towards this country. Gentlemen, in saying so, said more than was even insinuated by ministers themselves, for they had never contended that there had been any previous hostility; for, if there had been such, why were there any amicable proffers made to them on the part of this country? He thought, upon the whole, that complying with the present motion would be worthy of the characteristic magnanimity of England.

Mr. *Stephens* thought the present motion went to bind the future discretion of the country, by promises and stipulations which might ultimately prove more injurious and restrictive than it could now be possible to foresee. If the ships were to be restored, merely on the plea of generosity, he did think that the object of the present motion would be to rob that generosity of its grace.

Sir *James Hall* had never spoken with any gentleman upon the subject of the Baltic expedition, who did not, however strongly its advocate, seem to think that some degree of shame attached to it. That was a feeling rather foreign to the success that crowned the British arms in general; and, as he thought that the conditional restoration of the ships in question might serve, in some measure, to do away that imputation, he should feel it his duty to vote for the motion of the noble lord.—The house then divided: Ayes 44, Noes 105; Majority against the motion 61.

HOUSE OF COMMONS.

Thursday, March 31.

[NABOB OF OUDE.] Lord *Archibald Hamilton* made his promised motion, for compensation to be made to the Nabob of Oude for the losses he had sustained by the seizure of one-half of his territories, and the very embarrassed state of his finances, occasioned by the measures of marquis Wellesley's government in India. The noble lord spoke at considerable length, but in so low a voice that it could not be heard distinctly from the gallery; but, as far as we could collect, it was to the following effect: He observed, that the Papers laid before the house, and the recent debates upon the Oude question, relieved him from the necessity of trespassing again upon their patience by farther details; the house had, indeed, come to a resolution upon this subject—final, he would admit, as far as concerned the conduct of the marquis Wellesley. To this resolution, as it was the sense of a majority of that house, he was bound to defer, though he could not give his private assent to it. That resolution went to vindicate the conduct of the noble marquis, upon the ground that he was actuated by an ardent zeal for the public service, and for the interests of his country. But no man had ventured or could attempt to deny, that the Nabob of Oude had been treated with a degree of tyranny, oppression, cruelty, and injustice, almost without parallel, and which no conduct on his part deserved; and that he had been forcibly deprived of one half of his territory, without even the semblance of justice. In violation of all principle, he was forced to sign a treaty in 1801, totally different from that in 1798, and was plundered of his property, in defiance of every principle of national justice. It was, therefore, but an act of common equity, that the British parliament should make some recompence to that prince. The Directors of the East India Company themselves, having perused the documents respecting this affair, were so impressed with a sense of the sufferings and oppressions heaped upon this unfortunate prince, that they had come to a resolution, that compensation ought to be made to him; but the proposition was defeated by the Board of Controul, under the influence of the noble lord opposite (lord Castlereagh), who acted on that occasion in violation of the principles of justice, and the honour and character of the British government. When two authorities in the same branch of government, like the Court of Directors and the Board of Controul, were at variance upon a point so highly interesting to the character of the British government, he thought that house was the proper tribunal to decide the question.—The noble lord considered this transaction as paralleled only by the late outrage on Copenhagen. He read a variety of extracts from the Oude Papers, comprehending the several treaties from 1793 to 1801; and also letters from lord Wellesley to the resident at Lucknow for the time being, and the answers of such Resident; from these he argued at length, on the impolicy, injustice, cruelty, and oppression practised against the nabob, contrary to the faith of treaties which had been approved by the East India Company, and for which he thought the Nabob entitled to compensation. The noble lord concluded by moving the following Resolutions: "1. That it appears to this house, that by the Treaty concluded in 1798 by lord Teignmouth (then sir John Shore) between Saadut Ali, Nabob of Oude, and the English East India Company, the annual subsidy of 56 lacks 77,638 rupees, then payable by the said nabob to the said East India Company, was increased to the annual sum of 76 lacks, to be paid by monthly kists of instalments: that the nabob, by the said Treaty of 1798, agrees to exert his utmost endeavours to discharge the stipulated kists with punctuality, but if, contrary to the sincere intentions of the said nabob, the payment of the kists should fall into arrears, the said nabob Saadut Ali engages and promises that he will then give such security to the Company for the discharge of the existing arrears, and the future regular payment of the kists, as shall be deemed satisfactory; that by the said Treaty it was also agreed, that all transactions between the two States, 'shall be carried on with the greatest cordiality and harmony on both sides,' and the said nabob 'shall possess full authority over his household affairs, hereditary dominions, his troops, and his subjects.' 2. That the Court of Directors of the said East India Company did approve of the said Treaty of 1798, and in May 1799 declared it to be 'an arrangement redounding highly to the honour of lord Teignmouth, who negotiated it, likely to operate to the reciprocal advantage of the Company and the nabob vizier;' and that 'the affairs of Oude were thus settled in a manner which bids fair to be permanent.' 3. That by a Treaty concluded in 1801 by the marquis Wellesley, then governor general of India, the said Saadut Ali cedes to the East India Company in perpetual sovereignty a portion of his territory, amounting in the gross yearly revenue (as is stated in the said Treaty) to one crore and 35 lacks of rupees, in lieu of the stipulated subsidy, and agrees to admit the troops of the said Company to be stationed in such parts of his remaining territory as shall appear to their government most expedient, and always to advise with, and act in conformity to, the counsel of the officers of the said Company. 4. That the annual Revenues of the said Ceded Provinces were estimated by Mr. Henry Wellesley (the lieut. governor) in the year immediately succeeding the said Treaty of 1801, at upwards of 1 crore and 56 lacks of rupees: that a settlement thereof was made for the 3 years next ensuing, at the annual revenue of one crore and 73 lacks for the first, one crore and 80 lacks for the second, and one crore and 88 lacks for the third (independent of the profit derivable from a monopoly of salt estimated at eleven lacks); and that the said Mr. Henry Wellesley, lieut. governor, stated, that 'he had no doubt that the settlement of the Land Revenue for the second period of 3 years, would not be less than two crores of rupees, and that the Land Revenue of the Provinces when fully cultivated would amount to two crores and fifty lacks of rupees,' which is nearly double the amount of subsidy payable by the nabob under the former Treaty of 1798. 5. That the said nabob Saadut Ali did positively and repeatedly reject and resist the said Cession Treaty of 1801, during a negociation protracted for many months; and that it was not till a declaration was made to him, in the most explicit terms, that in case of his refusal it was the resolution of the British government to assume the entire civil and military government of the province of Oude, that his assent was obtained. 6. That the British government in India are bound in honour, in justice, and policy, to reconsider and revise the above-mentioned Treaty of 1801, in order to ascertain whether it will not admit of such modification as may ultimately prove more satisfactory to the nabob of Oude, and at the same time be productive of reciprocal advantage to his highness and the Company."

Mr. *R. Dundas* said, that he was surprised that the house should now be called upon to discuss the same question which had been already decided on, by a resolution, in which the last resolution of the noble lord was not only negatived, but on which the house pronounced an opinion, approving of lord Wellesley's administration. He should, therefore, do little more than refer the noble lord to that decision, convinced, that were he now to go over again the arguments formerly adduced, he should be trespassing unnecessarily upon the time and patience of the house. Were the house of commons now to agree to the noble lord's resolutions, they would contradict their own decision. The noble lords did not shew, in any part of his speech, how this inconsistency could be avoided. The noble lord had not stated to the house how he intended that the nabob should be indemnified. If he meant that the territory which had been taken from him should be restored, he would find it very difficult to transfer the people of India from the governor of the East India Company to that of their old masters. This could not be done, he was sure, without exciting much discontent, and, perhaps, not without considerable resistance on their part. If the noble lord meant that the compensation should be made in the form of subsidy, he ought to have stated the mode of doing it, and to have shewn himself prepared to solve all the difficulties which must present themselves to every one as to the manner of giving effect to his Resolution. The noble lord had not gone into any detail to prove that the nabob had been called upon to contribute more than he was bound to do by the treaty of 1798; but, he was ready to contend, that the nabob had not been obliged to contribute more than under that treaty he would have been bound to do, when the number of troops employed upon his frontier was taken into consideration, Upon these grounds, therefore, he should feel it his duty to move the previous question upon all the Resolutions but the last, which called for a revision of a treaty that had the sanction of the Commissioners for the Affairs of India, and this he was prepared to meet with a direct negative.

Mr. *H. Martin* took a view of the state of the parties in 1801, and of the circumstances which led to the treaty. He contended, that there was not the smallest ground at that time for the interference of the governor-general in the affairs of the nabob, who had religiously observed all the stipulations of the treaty concluded in 1798, by sir John Shore. He expected, at least, that some necessity for the violation of this treaty would have been attempted to be established; but no such attempt had been made, and it appeared to be infringed merely to give effect to a system of aggrandisement which lord Wellesley had adopted, and was determined at all events to pursue. The kists were not even in arrear, and the company had derived all the advantage from the treaty of 1798 that ever was expected from it. It was said, indeed, that by this treaty the nabob would have contributed as much as he did at present. But, in answer to this he stated, that the company were obliged to keep up a force of not less than 11, and not more than 13,000 troops for 75 lacs of rupees, to be paid by the nabob; and till the subsidy was refused to be paid, which it never was, we certainly had no right whatever to seize upon his territory. We were called upon to consult the feelings of the natives of

India, but we ought also to consider what must have been their feelings on seeing a solemn treaty so unnecessarily and wantonly violated. And when it was stated, that the country was in such a state of disorder, that all sorts of crimes were committed with impunity, it ought also to be shewn, that the security of the British government in India was endangered by these disorders. He concluded by declaring his intention to support the Resolutions of his noble friend.

Mr. *R. Thornton* lamented to see so thin an attendance upon a discussion so interesting to the national character. He thought the house on a former night had behaved worse even than lord Wellesley himself, in the manner in which they had got rid of the charges brought against him. He was not fond of renewed debates upon the same question, but he thought there was better grounds for renewing the debate on the present question, than on many others, though he did not flatter himself that the result would be different from what it had been. The treaty which was now under discussion, he declared, did not deserve that name, for to a treaty the assent of two parties was requisite, and the nabob certainly never had voluntarily given his assent to that of 1801. It was alledged, that it would be difficult to rescind the treaty, but nothing should ever be considered as difficult which was right, and if we had any regard to justice or national character, certainly some compensation ought to be granted to the nabob for the wrong he had sustained, however difficult it might be to find out the proper mode of compensation. The treaty was said to have originated in friendship, but if it began in friendship it ended in cruelty and injustice. The noble marquis seemed to have carried a sample of French fraternization to India. The treaty was really a sort of Gallican hug, in which the noble marquis had squeezed the nabob to death. One might as well call a robbery committed by a footpad on a traveller on Hounslow-Heath, a treaty! If the tyrant who had desolated Europe should ever reach our East India possessions, and find the hearts of the people alienated from us, and our name connected with injustice and oppression, he called upon the house to reflect what an advantage he would have over us. When Trajan put a sword into the hands of the prefect of the Pretorian Bands, he made use of these words, 'As long as I govern well, use it in my support, if I govern ill, use it against me.' So it was with the people of India; if we governed them with justice and moderation we may expect their support, but if we oppress and tyrannize over them we must expect revolt and resistance. The hon. gent. denied that the treaty had ever been approved of by the court of directors, for it was one of their grounds of complaint that the treaty had never been submitted to the court. All that he individually ever did was to put his name to a letter, in which pleasure was expressed that the treaty had given satisfaction; but at that time he was quite ignorant of the circumstances under which it was concluded.

Mr. *Howarth.*—Sir, I am not accustomed to address this house, or to speak in public, and therefore I should do it with great embarrassment at any time, but particularly now, when many gentlemen are calling for the question, and seem to wish to put an end to the debate. I shall, therefore, contract the little I intended to say on this occasion, and yield as soon and as much as I can, to the impatience of the house. Even that little is exposed to so many discouragements, that I should probably have confined myself to voting on the question, if my long residence in India had not furnished me with information, which I hope will be thought to deserve some attention.—I am not surprised that the hon. President of the Board of Controul should have shewn a vigorous disinclination to any further discussion of the subject. I have no doubt that, if the whole of the transactions in Oude were to be buried in oblivion, it would afford peculiar satisfaction to the friends of the noble marquis. Sir, we must look to the exhausted state of the treasury in Calcutta for the secret spring and first movement of his lordship in Oude. Beggary begot necessity, and necessity created the measure of quartering a great part of the Bengal army on the country, or providing for it at the expence of the nabob. Want of money, and no other, was the true cause of this and every other injustice done to the nabob. All manner of pretences have been set up in defence of these measures, except the true one. Distress drove you into these courses, and who was the author of the distress? who, but the noble marquis himself? Extravagance produces violence, and then you defend the violence by the extravagance. When political necessity was pleaded, I did expect that reasons of an over-ruling nature, some imminent danger, some instant cause of apprehension, admitting of no debate, would have been stated to palliate at least, if not to justify the atrocious cruelty, the injustice, and the indignities more galling than injustice, with which the nabob of Oude, as well as many other Indian princes, have been treated. Instead of such a case made out or even alledged, what has the President of the Board of Controul advanced? Why, first he glanced at the supposition of an invasion of Oude by Zemaun Shah, and, in glancing at it only, I confess he has shewn his discretion. Why, sir, at the very period allotted to this pretended invasion, Zemaun Shah was in his grave. Lord Wellesley in his letter of Jan. 1, 1802, says to the Directors, "The danger of invasion from Candahar is entirely removed by the destruction of the power of Zemaun Shah, and by the actual state of his dominions; while our north-western frontier has been considerably strengthened by the recent arrangements effected in Oude." The arrangements alluded to consisted of nothing but the exaction of money and territory from the nabob, contrary to the most solemn treaties, and in violation not only of every principle of good faith but of common humanity; and for what purpose? To provide against a danger, which was entirely removed, if ever it existed. But the hon. President says, 'The French were in Alexandria;' and this was another necessity for taxing the nabob of Oude. My conviction is, that, if they had remained in undisturbed possession of Alexandria to the present day, they could not have invaded India from that quarter, nor did they ever intend it. They had no fleet or transports in the Red Sea, nor had they the means or materials for building ships there, or to find provisions or even fresh water at Suez, equal to so great an embarkation, and so long a voyage, of which the navigation for a fleet from Suez to the Indian sea is perhaps the most difficult and dangerous in the world. And even then, unless the French could obtain a naval superiority in the Indian seas, how could they possibly get to India from Egypt? The hon. President seems averse to further discussion on the profest principle of lord Wellesley's conduct. Perhaps he will have no objection to answer a few questions upon the effect of it. What has been gained by these acts of injustice and oppression? Look at the result of all these frauds and cruelties, which are called policy; see into what a situation they have brought you at last. Have you extended your dominions? Yes, in violation of the resolutions of this house, confirmed and made law by two acts of parliament. You have a frontier, which you cannot defend, and you have alienated the affections of the native powers, who wait only for an opportunity to make you feel their hatred, and I am afraid that issue will be tried at no very distant period. In the mean time, what profit have you derived from this boasted increase of your dominions? Your establishments have grown much faster than even your territory; with all your immense acquisitions, with all your subsidiary treaties, with the Mysore, the Decan, the Carnatic and Oude, with four kingdoms added to your possessions, your annual expences exceed your revenues by two millions and a half. Not a rupee in your treasury at Calcutta, at Fort St. George, or Bombay; in general circulation, nothing but paper, and thus, sir, have all those extortions, which are termed policy, ended in your own beggary. I state the general effect of the policy I allude to, as embracing all India. The treatment of the nabob of Oude is a sample of that policy, and a striking example of its effect.—But perhaps it may be said, that this commercial sovereign, the India Company, though not very wise or fortunate in the exercise of their sovereignty, have been prudent and successful in their character of merchants? In an evil hour for themselves, they departed from the only occupation it was possible for them to understand. Look at their situation in Leaden-Hall Street. There you see them overwhelmed with debts, and in arrear to government even for the duties on their teas, the only article they can sell; loaded with enormous establishments, which it is impossible for them to defray otherwise than by running more and more into debt, and with a multitude of other demands upon them, active and growing every day, and against which they have nothing to set up but an accumulation of dead or dormant property, locked up and rotting in their warehouses for want of a sale; which does not however prevent their constantly taking up more and more ships at an intolerable expence of freight and charges, to bring home more cargoes of the same quality, and to take away all chance or even the possibility of selling what they have already in England. Add to all this, that every shilling of their capital is gone. And will this house never ask, by whose fraud or misconduct, by whose treachery or whose folly, all this mass of mischief has accumulated? Have we been taken by surprise? Have the India Company till very lately been quite unaware of their situation? Has no warning voice been heard in this house? Have no powerful appeals been made to the public in writing on this subject? Yes, sir, some of the worthy directors have now and then gently hinted at the mismanagement of their governments, and at the misconduct of their servants in India, over whom they had no controul. But these intimations were rare and feeble, in comparison with the information given us by an hon. friend of mine (Sir Philip Francis) who is no longer a member of this house. From year to year as the mischiefs increased his speeches kept pace with them. From year to year, I might almost say from day to day, his talents and his industry were employed in exposing the fatal folly of that destructive system, which has been adopted by your government in India, and encouraged and protected in England, and the ruinous consequences which would result from it. His performance of this invidious duty was not confined to his speeches here. His writings addressed to the public predicted every thing that has happened; writings, sir, as remarkable for the clearness, the purity, and precision of their style, as they are for the comprehensive knowledge they contain of the subjects on which they treated; and I believe, sir, it would be as difficult to find a person, who has displayed in your Indian affairs more ability, more perseverance, and more integrity, as it would be to find another instance of a man, who has deserved more of his country, and whose merits have been so ill rewarded, as those of the hon. gent. I allude to.—Now, sir, on a full consideration of the injustice which has marked the conduct of the noble lord in Oude, the harshness with which the nabob has been treated, and the cruel circumstances of galling aggravation with which it has been accompanied, and above all, sir, on the effect which it has produced in the minds of the native powers in India, I feel entirely disposed to agree with the noble lord who has brought forward this motion, for every reparation or restitution which the circumstances of the case will admit of.—The security of the British dominion in India depends greatly on opinion, and therefore I shall be ready to support this and every other measure, that may tend to retrieve the national character in the eyes of the natives.

The question was then loudly called for, and a division took place. For the first Resolution 20; For the previous question 80; Majority 60. — Strangers were not readmitted before the adjournment. The previous question was carried upon all the other Resolutions but the last, which was negatived without a division.

HOUSE OF LORDS.

Friday, April 1.

The Duke of Norfolk, after referring to the fate of the Offices in Reversion bill, presented a Petition from the lord mayor, aldermen, and common council of the city of London, expressive of their regret, that the bill which had this salutary object in view, should have been defeated, and praying that steps might be taken for carrying into effect a Bill so necessary under the present circumstances of the country. Ordered to lie on the table.

HOUSE OF COMMONS.

Friday, April 1.

[Minutes.] Mr. Bankes reported, from the Committee appointed to try and determine the merits of the Petitions complaining of an undue Election and return for the county of Sussex, that John Fuller, esq. had been duly elected, and that the petitions were not frivolous nor vexatious.—The bill for preventing the grant of Places in Reversion, for a time to be limited, was read a second time.

Petition from London, respecting the Offices in Reversion Bill.] The Sheriffs of London presented to the house, a Petition of the lord mayor, aldermen, and commons of the city of London, in common council assembled, setting forth, "That the petitioners have, during a long course of public events, productive of so many calamities, patiently submitted to unexampled burthens, and are still ready to make such further sacrifices as may be necessary for maintaining the honour and independence of the realm; and that these burthens have been considerably augmented by gross abuses in the management and expenditure of the public money, and by a profusion of sinecure places and pensions, which have not only greatly added to the sufferings of the people, but created a pernicious and dangerous influence, corrupting and undermining the pure and free principles of the British constitution; and that after the enormous abuses brought to light by the various Commissions of Enquiry, it is a matter of deep concern to the petitioners that the offenders thereby discovered have not been brought to justice, and those who so grossly misapplied the public money have hitherto escaped with impunity, and the petitioners did therefore rely upon parliament that speedy and effectual measures would have been adopted to reform such abuses, and detect and punish the offenders in future; and that the petitioners viewed with much satisfaction the formation of a Committee of Finance, and hailed the introduction into the house of a Bill to prevent the granting of places in reversion as the first step towards these salutary reformations; they beheld with increased satisfaction the measures taken by the house, both during the late and present sessions of parliament, to carry the same into effect; and that it was with grief and disappointment they observed the views and intentions of the house unhappily frustrated; and they have too much reason to apprehend that the defeat of this measure has arisen from that baneful and predominating influence which such abuses must necessarily create, and which this Bill was intended to correct; and that it appears to the petitioners at all times essential that a rigid economy should be observed in the expenditure of the public money, and that no places or pensions should be bestowed but for real public services, more particularly so at the present moment, when it is declared, 'that this country is at the very crisis of its fate,' and the people are called upon for such unexampled sacrifices and exertions; they beg further to suggest to the house, the serious consequences likely to result should a disposition be evinced by either branch of the legislature, at a period so awful and momentous, not to participate with the people in their dangers, sacrifices, and privations; and therefore praying the house not to relax in their endeavours in carrying so necessary and beneficial a measure into effect, and causing enquiries to be made into the receipt, management, and expenditure of the public money, adopting measures which may effectually guard against such abuses in future, and for abolishing all unnecessary places and pensions, as well in reversion as otherwise, as the best means of consolidating the strength of the empire, and calling forth the united energies and exertions of the people at a time so necessary for the safety and security of his majesty's dominions."—Ordered to lie upon the table.

[Assessed Taxes and Game Duties.] The *Chancellor of the Exchequer*, in a committee of ways and means, rose, to submit the propositions, of which he had given notice, respecting the transfer of the duty for licences to shoot game, from the Stamp Duty to the Assessed Taxes, and for consolidating the additional 10 per cent. with the Assessed Taxes, to the consideration of the committee. As to the first point, he should only observe, that it was notorious that the duty was evaded in a variety of cases, a circumstance which could not take place when the duty was transferred to the Assessed Taxes, in consequence of the mode in which the Assessed Taxes were collected. Upon this head, therefore, he should propose a Resolution to the committee, that the present duties on Game licences do cease, in order that others should be granted in the Assessed Taxes in lieu of them. When the Bill that was to be founded upon this resolution, should be brought in, gentlemen would have an opportunity of considering how far the provisions it was to contain would be efficient to its object. Under the present system, much inconvenience was felt by those gentlemen who happened to reside at a distance from the county town, in obtaining their certificates from the clerk of the peace. This inconvenience would be wholly removed by the arrangement which he proposed, for the certificates would be forwarded to the collector of the district, to be issued on the production, by the person requiring it, of the receipt for the payment of the duty. Since the subject had been under his consideration, several communications had been received, which represented that the evasions were chiefly practised by persons pretending that they were shooting woodcocks and snipes, whilst, in reality, they were engaged in pursuit of game. In order to remove this source of evasion, therefore, it was deemed desirable to include woodcocks and snipes in the enumeration of game. The other proposition that he had to submit to the committee, was a resolution for the consolidation of the 10 per cent. additional to the Assessed Taxes granted the year before the last, with the Assessed Taxes. It would be remembered, that at the time this addition had been brought forward to make up the deficiency in the ways and means of the year, which had arisen from the abandonment of the iron tax. The stage of the session did not admit of that mature consideration which was desirable. The consequence was, therefore, that in almost every instance there were fractional payments, which the committee would feel it right to do away. For this purpose, he proposed to add 2 per cent. upon the whole, and in all the lower classes to reduce the payment, in case of a fraction, to the next integer; and in the higher classes to raise it to the integer immediately above, so that the whole addition being at the rate of one in fifty, would give an addition of 110,000*l.* upon 5,500,000*l.* the present amount of the Assessed Taxes. But, the effect of lowering the fractional payments to the next integer below them in the inferior classes, would be to reduce that sum to about 107,600*l.* in the year. For instance, the amount of Assessed Taxes for a house having more than six windows, and not worth more than 5*l.* rent, was at present 6*s.* 7*d.* and would, according to the rate of addition proposed by him, be raised to 6*s.* 8½*d*; but, according to the scale of reduction he had in contemplation, it would be lowered to 6*s.* 6*d.* the sixpence being the immediate integer below the fractional sum. In the higher classes, on the contrary, the payment would be carried to the integer above the fraction. There would be a consequent decrease upon the lower classes, but the slight addition on the higher classes would compensate for that, and make the augmentation upon the whole 107,600*l.* He therefore moved, "That it is the opinion of the Committee, that the present duties on Game Licences and the Assessed Taxes do cease and determine, in order that other duties be granted in lieu thereof."

Mr. *N. Calvert* thought the regulations proposed by the right hon. gent. for transferring the duties on Licences for shooting game, from the Stamps to the Assessed Taxes very good, but suggested, that there should be duplicates of the receipts given for the amount of the duty, in order that the person who paid the duty might have something to shew in proof of his having paid it.

Mr. *Spencer Stanhope* expressed his regret that there was no clause in any of the Assessed Taxes bill which subjected assessors guilty of making surcharges wantonly, to the payment of costs, if the surcharges should not be confirmed. He was convinced that power ought to be given for subjecting persons of that description to the payment of costs.

Mr. *T. Jones* also complained of the wanton manner in which surcharges were often made, and wished that some mode of prevention might be found consistent with the bona fide collection of the revenue.

Mr. *Biddulph* said, there were other objects worth the right hon. gent.'s attention, before imposing new taxes; he meant measures of reform. He would go along with him certainly in preventing frauds and evasions. But he thought it would be better if the right hon. gent. had come down with a paper in his hand of the defaulters of former years.

Mr. *Huskisson* could not conceive in what possible shape an account of this kind could be brought before the house, or of what use it would be to the revenue. If it could be made out, it would of course be granted like other accounts, relating to the public money, on a motion for that purpose.

Mr. *Biddulph* was not then prepared to specify the heads, but would inquire into the subject with a view to a specific motion.—The Resolutions were then agreed to.

[Petitions against the Orders in Council.] The house resolved itself into a committee of the whole house, for the further consideration of the Petitions against the Orders in Council. Mr. Brougham was then called to the bar, and addressed the house in a very able and eloquent speech of three hours length in support of the prayer of the Petitioners.—After the learned counsel had finished, he withdrew, and a conversation arose on the expediency of hearing further evidence.—The Chancellor of the Exchequer, Mr. Marriott, Mr. Stephens, and sir C. Price, contended, that if the house were then to take any step on the evidence that had already been adduced, it would be in complete ignorance of the subject. It was therefore proposed by them to examine witnesses, who might fill up the chasm left by those who had been examined. Mr. Tierney, Mr. Whitbread, Dr. Laurence, Mr. Ponsonby, and Mr. A. Baring, expressed their satisfaction to find, that it was at length intended by the hon. gent.

opposite to enter into a full investigation of this most important subject. Mr. Tierney declared his intention of moving for the attendance at the bar of the 34 gentlemen who had signed the Petition in favour of the Orders in Council presented by an hon. bart., that they might communicate to the house the information which they described themselves to possess.—It was ultimately agreed that the chairman should report progress, and ask leave to sit again; and the house having been resumed, the committee was appointed to sit again on Monday, for which day, on the motion of the chancellor of the exchequer, several witnesses were ordered to be summoned.

HOUSE OF COMMONS.

Monday, April 4.

[Conduct of Marquis Wellesley.] Mr. *H. Wellesley* said he was under the necessity of trespassing for a few moments upon the time of the house, in consequence of a gross misrepresentation (inserted in a morning paper called the Times) of several passages in the speech delivered by an hon. director on Thursday last. Mr. Wellesley observed, that the statement contained in the paper which he held in his hand, was directly and absolutely contradictory to the whole tenor of the hon. gent.'s speech, at least as far as it related personally to lord Wellesley and himself; as whatever opinions that hon. gent. might have expressed with respect to the general arrangements in Oude, he entirely disclaimed any imputations of a personal kind. He was persuaded that the house would feel with him, that to suffer misrepresentations of such a tendency to go forth uncontradicted in a paper of a general and extensive circulation, could not fail to be highly injurious to the character of the individuals alluded to; and therefore that he need to make no apology for having brought the subject before the house. As, however, he was willing to believe that the misrepresentations of which he complained were not intentional on the part of the persons concerned in the paper to which he alluded, he should, with the leave of the house, rest satisfied with having brought the subject under its notice, in the hope that this would be a sufficient warning to those persons to be more cautious and more accurate in future.

Mr. *R. Thornton* said, he understood his speech on a former evening to be the one alluded to, and remarked that several friends had stated to him how much it was misrepresented, which afterwards was confirmed by his own perusal of what was attributed to him. Though he had animadverted strongly on the general system of policy in India, and the particular transactions in Oude, he had pointedly signified, that he meant to impute nothing disrespectful to the personal character of the noble marquis, or of the honourable gentleman himself. Had he been only silent as to every thing of a personal tendency, the allusions in the newspaper would have been highly unjustifiable; but when he had, in two separate debates, adopted the language thrown out as a challenge by an hon. baronet (sir John Anstruther), and admitted, with him, that there was no where an attempt to wound the noble marquis by personal insinuations, Mr. Thornton thought it very unfortunate that the erroneous and clumsy reporter of a newspaper should mislead the public mind. He believed the misrepresentation arose from accident, not from design, and therefore hoped no further steps would be taken against the proprietors of the paper in question.

The *Speaker* hoped the house would excuse him for remarking, that however the practice might have been tolerated, the house was always at liberty to limit, and if necessary, to punish, any abuse of its privileges, in the publication of what purported to be reports of its proceedings. At present, he did not understand that any complaint was about to be made with a view to the animadversion of the house.

[Sussex Election Petition.] Mr. *C. Wynne* rose, pursuant to notice, to move that the minutes of the committee appointed to try the merits of the Petition against the election and return for the county of Sussex, should be laid before the house. As the motion was one rather unusual in its nature, he thought himself called on to state the grounds on which it was made. A motion was made, before the committee was appointed, for an exchange of the lists of objectionable votes on both sides, which motion was negatived. The consequence was, that when the committee met, and proceeded to investigate the merits of the petition of Mr. Sergison, they were obliged to decline entering at all into an examination of its merits, because they considered themselves as precluded, by the resolution of the house, from examining the validity of those votes which would have been questioned by the petitioner. Nothing was more distant from his mind than to call in question, either the decision of the committee, or any part of their proceedings; but he thought it extremely important, that the standing order of the house, upon which the decision was founded, should be altered, not merely by a resolution of the house, but by act of parliament. And, as a specific ground on which he should afterwards move for leave to bring in a bill for this purpose, he now moved, That the minutes of the proceedings of that committee should be laid upon the table of the house.

The *Chancellor of the Exchequer* was of opinion, that before the house acquiesced in the motion which had been now submitted to them, they should be put in possession of facts different from those with which the hon. gent. had prefaced his motion. It was not usual for the house to agree to such a motion, except upon some resolution of the election committee, or upon some report made by this committee to shew its propriety or necessity. With respect to the decision of that committee, he was certainly as averse from questioning its propriety as the hon. gent.; and if he were to deliver an opinion upon the subject, he would say that they had acted right in paying attention to the resolution of the house. Whether the standing order ought to be altered was another question, and one which might be discussed, whether the minutes of the committee were or were not before the house; because, if a doubt existed, either respecting its propriety or interpretation, the proposed alteration might take place, as well upon the existing doubt as upon the proceedings of a committee, in their application to the individual case. He was of opinion, that the proceedings now moved for were not only unnecessary, but that their production would be attended with considerable inconvenience: because the debate which might afterwards take place upon them, would then involve the propriety of the decision of the committee, which, agreeably to the spirit of the Grenville act, ought in no case to be called in question.

Mr. *Tierney* said, that as he had been a member of the committee on the Sussex election, he should shortly state to the house the circumstances under which that committee decided upon the merits of the petition; and this statement he prefaced with a declaration, that nothing was further from his intention than to find fault with the decision of that committee. He might take upon himself, however, to state, that in consequence of the standing order of the house, the majority of that committee had found themselves placed in a very unpleasant situation. The progress of the business was this; a resolution was passed by the house at the commencement of every session, that when a petition was lodged against a sitting member, the petitioner should call upon the sitting member to exchange lists of the votes against which he meant to object, 21 days before the trial of the election; and, vice versa, that the same rule should be observed by the sitting member towards the petitioner. Mr. Fuller, in the present instance, gave a written notice of his intention not to defend his seat, so the petitioner had not thought it necessary to comply with this rule. Some of the electors, however, who had voted for Mr. Fuller, announced their intention of defending it for him. In consequence of this notice, a motion had been made in the house for an exchange of lists, which was negatived; and on the debate which took place on this motion, the right hon. the chancellor of the exchequer had opposed the motion, on the ground that the committee would not be bound by that decision of the house, but would be left at liberty to call whatever evidence they might think proper, though on this evening he had given it as his opinion, that they did right in attending to the resolution of the house. After the committee met to decide upon oath on the merits of the election, and when Mr. Sergison's counsel tendered a list of 500 votes to which he meant to object, the counsel for the other party objected that the committee, by the standing order of the house, could not admit any evidence upon the inadmissibility of these votes, because the lists had not been previously exchanged; and the committee, he believed from the most honourable motives, had sustained the objection. Under these circumstances, the committee had only to choose between one of three decisions: to declare the election void, which they could not do because this was not a prayer of the petition; or that Mr. Sergison ought to have been returned, which they could not do because his opponent, Mr. Fuller, had a majority upon the poll; or to do what he believed they did most conscientiously and sincerely, to decide that they felt themselves obliged to declare Mr. Fuller duly elected because they did not consider themselves at liberty, consistently with the order of the house, to enter into an examination of the votes, against which Mr. Sergison meant to object, and by overthrowing which he was firmly convinced that he should be able to establish his own election. Such were the circumstances in which the committee was placed: a situation which, he was convinced, a majority of that committee had felt to be a very unpleasant one: and in these circumstances his hon. friend had moved for the minutes of the proceedings of the committee, with a view to ground upon those proceedings an act of parliament for the purpose of remedying a hardship which seemed to be felt on all sides, by enacting, that in future the lists of objectionable votes between the petitioner and the sitting member shall be peremptorily exchanged.

The *Chancellor of the Exchequer* explained, that when he said that the committee had done right in attending to the resolution of the house, he did not mean the decision of the house with regard to an exchange of lists in the present case, but the standing order of the house regulating their exchange to 21 days before the trial of the election.

Sir *T. Turton* allowed that there was a great hardship in the present case, which ought to be prevented from recurring in future, by an alteration in the law: but he objected to the present motion, as tending to call in question the decision of the committee, and thus to destroy the purity of the Grenville act.

After some observations from earl Temple, Mr. Graham, and Mr. Ponsonby, the house divided upon Mr. Wynne's motion: Ayes, 29; Noes, 56; Majority, 27.

[Finance Committee.] Mr. *Biddulph* rose, agreeably to notice, to move that Rd. Wharton, esq. having been elected chairman of the committees of ways and means and supply, be excused from giving his attendance on the Committee of Finance, of which, previous to his appointment to the chair of the public committees of this house, he had been a member, and that the name of John William Ward be inserted as a member of the Committee of Finance in his place. The hon. gent. in alluding to the appointment of Mr. Wharton to the chair of the public committees, expressed his confidence that there was no management in that nomination; and also expressed a hope that the hon. member who was the subject of the motion, would acquit him of any personal disrespect towards him, and would believe the motion to be directed, as it really was, and not against him, but against the office of chairman of the committee of ways and means. When he had originally the honour to suggest such a committee to the house, he pointed out the propriety of excluding all persons holding places under government from any share in its deliberations; and accordingly, when it was nominated, and it happened that a noble viscount, not now in his place, was named as one, his appointment was afterwards done away, on this specific ground, that he held a sinecure in Ireland. The hon. mover was aware it might be argued, that the hon. gent. to whom he objected, was not appointed to the situation he held, by the government, but by the house. The motion which he had to make, was so framed, as to acknowledge this fact. But, surely, it must be allowed, that the treasury bench designated and marked out the person to fill that situation, who might be said to be under the patronage of the chancellor of the exchequer. The hon. member confessed that the chairman of ways and means was elected by a vote of the house, but still it could not be denied, that he was proposed and supported by the chancellor of the exchequer; and he wished, and the public had a right to expect, that the members of the Committee of Finance should be like Cæsar's wife, not pure merely, but unsuspected. If persons once appointed members of a Committe of Finance, were not to be removed on account of any change in situation which they might undergo, we might see before the termination of a parliament, 24 or 25 men, who had been appointed members of that committee because they held no office nor place under government, all enjoying places or pensions before they came to make their report. If these men were to continue members of the committee, it would be equally proper that placemen should originally have been eligible; or, indeed, that no committee had been appointed. As to the office of chairman of the committee of ways and means, he conceived it to be equally objectionable as any other. He regarded it as being an office so completely at the disposal of the treasury bench, that the duties of it might well be discharged by any one of the members of that bench who had least to do; and if he found that the report of the Finance Committee, from its tone and manner, warranted him in expecting any support to the motion, he should once call the attention of the house to that subject. He could not suppose a man, holding such a place as this, could be a jealous guardian of the public expenditure. On the score of the duties he had to perform as chairman of the committee of the house, the hon. member was satisfied, Mr. Wharton might well be excused from giving his attendance up stairs at the Committee of Finance. He had never seen him there but once; but he must be allowed to say, that, in consequence of his attendance that day, a report would be submitted to the house from that committee, different from what it would otherwise have been. The hon. gent. concluded by moving, "That Richard Wharton, esq. having been called to the chair of the committee of ways and means, be excused from giving further attendance on the Committee of Finance."

The *Chancellor of the Exchequer* had supposed that the hon. gent. would have adduced some precedent, or would have made out some strong case, ere he had submitted to the house a motion which semed to cast no slight imputation on the hon. gent. against whom it was directed, more especially when it was connected with one of his last observations. By that observation it appeared, that a majority in the Committee of Finance had been recently occasioned by the presence of the chairman of the committee of ways and means, and that had not that circumstance occurred, the hon. mover's attention would not have been directed to the subject. To him it appeared impossible, without the establishment of some grave charge, to remove a member from a situation to which he had been chosen by the house. The hon. gent. said he thought it necessary to do this, because he imagined the chairman of the committee of ways and means was an officer appointed by government. It was not so. He was appointed by the house, who voted him into that situation. As to the recommendation of his majesty's ministers, the hon. gent. might as well apply his reasoning on that subject to any other act of the house. The hon. gent. fancied it possible, that in a committee composed, at the commencement of a session, of 25 members holding no official situations, the whole, at the close of the same session, might become possessed of offices. But, was not the honourable gentleman aware that by an appointment to office, a member vacated his seat in the house, and consequently in a committee? and that on his re-election (should he be re-elected), the house had it in their power to reinstate him in the committee or not, as they thought proper? Indeed, there had been instances since the establishment of the Finance Committee, of individuals who, having accepted offices, had been sent back to their constituents, and who had been re-elected, but who had not been re-appointed members of the committee. He was far from being ready to admit, that because his majesty thought proper to confer an office on any member of the house, he ought therefore to be considered as disqualified for any duty to which any other member of the house was competent. He denied that because a person was in office, he must necessarily be distrusted. He did not know what were the hon. gent's views of public life; but if he were desirous of having the opportunity of discharging any great public duty with fidelity, he did not think that he ought to fall in the estimation of the world were he to embrace such an opportunity if it were afforded him. Of this he was sure, that the hon. gentlemen who surrounded him were not of that opinion, and that they thought a man pursued the noblest road to fame by seeking it in public utility. He trusted, therefore, that the house would not feel, that the duties of any committee would be worse performed, because it included within it persons holding official situations. Still less could an objection apply to a gentleman chosen by the house, in consequence of his distinguished character and talents, to fill the hon. situation of chairman of the committee of ways and means. Was he on that account to be distrusted? As well might the speaker of the house be distrusted. Neither situation was the appointment of government. Both were in the election of the house; and to no gentleman who filled either, could any dishonourable imputation on that account with any thing like justice or plausibility be attached.

Mr. *Whitbread* agreed with the right hon. gent. in deprecating the idea that every placeman must be a man of bad character. An office of trust, well and faithfully executed, was unquestionably a post of honour. It was only because offices were not always faithfully executed that placemen grew into disrepute. As to the allusion to his noble friend not now in the house (lord H. Petty) it was not by his own request he had been nominated a member of the Committee of Finance; but that appointment had taken place specifically under the direction of the chair. He never did attend, however, and expressed his determination not to attend, conscious as he was, that he was disqualified by the office he held from being a member of such a committee. He (Mr. W.) had been a member of that committee; and he recollected a reason assigned for not naming him on the renewed list was, that he was at the time particularly occupied with other matters, on the fate of which he was sorry he could not congratulate himself. He agreed, however, in the justice of that observation, and thought that independent of every other consideration, it was of itself a sufficient reason why the chairman of ways and means should also cease to be a member of it.

Mr. *H. Browne* opposed the motion. There was a narrow and vulgar prejudice against persons in place, which he did not wish to see encouraged. It was disparaging to office, it was disparaging to the country. If the hon. gent. who was the object of this motion, were to be removed from the committee of finance, that committee would lose one of its most valuable members. He was surprized that the hon. gent. should have mentioned what had occurred in the committee. With respect to the transaction to which he had alluded, it was a question of small importance, on which the committee happened to be equally divided, and on which the chairman of the committee of ways and means happened to be on one side rather than on the other.

The Hon. *J. W. Ward* was anxious that it should be distinctly understood, that this proposition was the spontaneous act of his hon. friend. He stated this merely, lest he should be suspected of having stimulated him to make a motion, the ultimate object of which was, to appoint him to a situation, to the duties of which he felt himself incompetent. With respect to the subject immediately before the house, he could not be expected to offer any opinion. He would only add, that if he had any influence with his hon. friend, he would recommend to him to withdraw his motion, or at least not to press it to a division.

Mr. *Ponsonby* could not help expressing his surprise that no motion could come from his side of the house without giving offence to individuals. The motion of his hon. friend appeared to him to have been framed with all possible delicacy. It was not to expunge the name of Mr. Wharton from the committee of finance, but that he should be at liberty to withdraw his name from it. The right hon. gent. seemed to place great reliance upon the argument drawn from the elective power of the house; but was there, he would ask, an instance of any person who was proposed to fill the office of chairman of the committee of ways and means, having been rejected by the house? He agreed that it was proper a portion of certain committees should be filled by persons in office; but this committee was of a very peculiar nature, of a constitution entirely differing from others. Its object was to promote public economy, and to effect reform. It was natural that a person in the right hon. gent.'s situation should feel interested in the reports of this committee. In one of these he believed he was very much so, for it was a report of that committee which had given rise to what was called in that house the Reversion bill. He would admit that a person in the chair of the committee of ways and means might fill it as uprightly and as ably as possible, and yet be a very improper person to be a member of the committee of finance. Every member of that committee should be so situated as to have no bias upon his mind; no wish, no inclination which could warp his judgment, or prevent him from an impartial and conscientious discharge of his duty. The right hon. gent. knew that a person coming forward to give evidence in a court of law, if interested in the event to the amount of half a crown, was precluded from giving testimony in the cause.

Mr. *Biddulph* rose to correct a misconception which seemed to prevail on the other side of the house. He did not, as it was said, bring forward this motion, because the hon. member who was the subject of it had outvoted him in the committee of finance, but it was because that hon. member had scarcely ever attended that committee. When he entered it, on the occasion alluded to, he was so much a stranger, that the clerk applied to him to know whether the hon. member belonged to the committee. It was in consequence of this that he then took the resolution to make the motion he now proposed.—He denied that he had pledged himself to move at the end of the session, that no remuneration should be given to the chairman of the committee of ways and means. It was possible, however, if the report of the committee of finance should turn out as he expected, that in another session he might bring forward a motion to that effect. He had been catechized as to his object in making this motion. He would leave it to the house to say what his motives were, by stating what they were not. His object was not to march round the vulgar circle by which men rose to power; to creep from popularity to place, and from place to apostacy. If the small talents he possessed should ever be thought worthy of being employed, they should be at the public disposal; but it was upon this condition alone, that he did not participate in the public emolument in any shape whatever.—The house then divided: For the motion 21; Against it 70; Majority 49.

[PETITIONS AGAINST THE ORDERS IN COUNCIL.] The house went into a committee to consider further of the Petitions against the Orders in Council.

Mr. *Stephens* proposed to adduce evidence on two points: 1st, To shew that the export trade from this country to the continent was at a stand anterior to the passing of the Orders in Council: 2d, That the trade of this country was greatly affected in the article of insurance, by the Berlin decree. On the first of these points, he proposed to examine Mr. John Hall, a ship-broker. This gentleman was accordingly called in. In the course of Mr. Hall's examination, a discussion took place on the propriety of a question proposed by Mr. Whitbread as to the authenticity of the witnesses information, respecting certain ships, alleged to be neutrals, and sequestered by virtue of the Berlin decree.—After some further observations from Messrs. Rose, Tierney, Marriott, the chancellor of the Exchequer, and Mr. A. Baring, the witness was called in, and in answer to Mr. Whitbread's question, could only speak to his belief. The purport of his remaining evidence went to shew the reality and extent of the injuries sustained in the export trade to the continent, in consequence of the Berlin and other decrees, prior to issuing the Orders of Council.—Other witnesses were then examined, and the house resumed, the chairman reported progress, and obtained leave to sit again on Thursday.

HOUSE OF COMMONS.

Wednesday, April 6.

[OFFICES IN REVERSION BILL.] Mr. *Bankes*, if no objection existed to the proceeding, was anxious that the order for committing the Reversion bill, which was dropped yesterday in consequence of there having been no house, should be taken up to day, and that the bill should be committed.

Mr. *Tierney* said, he should be the last man to occasion any unnecessary delay in the discussion of a subject that had excited so much of the attention of the public, but he did think, that in proportion to its importance it should be entitled to a fair and adequate consideration. There were several gentlemen now absent who had taken a particular interest in that measure, and who, had they known that the discussion would have come on to-day, would have attended in their places; they did not, however, think that it would have come on, nor had they any right to expect it would, as it was the established usage of that house, whenever an order had dropped, not to revive it without a specific notice. If this was a general rule, it should hold particularly in a case of such importance as the present. The bill in question had deservedly excited a great portion of the public interest; and that interest had not been lessened by the rumours that had been so very prevalent, perhaps unfounded, but not altogether discredited, that the great principle of the bill would be compromised. He was anxious, therefore, that the public should be satisfied that every advantage of a full, fair, and adequate discussion, had been afforded to the measure. He hoped that on these grounds the hon. gent. would have the goodness to let the order for going into a committee stand for to-morrow, and he was sure that his hon. friend near him (Mr. Whitbread) would have no objection to give way, by postponing his motion that stood for to-morrow, to a future day.

The *Chancellor of the Exchequer* said, that he was very far from being disposed to give any obstruction to the motion of his hon. friend; and could not conceive why the right hon. gent. who had just sat down should think that there could not be as full and as ample a discussion of the measure, in so very full an attendance, as at a future day. However, he did not wish to press the motion at present, since the right hon. gent. seemed to think it would be attended with so much inconvenience to his friends. He did entirely agree with him, that the bill had excited a great portion of the public attention; for that reason he was most anxious that the least delay possible might occur, before the sentiments of that house upon the subject, in its present circumstances, should go forth to the country; and he was the more anxious on this ground, because a very general misunderstanding had arisen without doors, both upon the measure itself, and the late proceeding thereupon. That misunderstanding had been most industriously excited; he would not say with what view, nor from what motives, but certainly it had been most actively disseminated. For himself, he was free to declare what, in his humble opinion, should be the main object of that house in its further proceedings on this measure; so to arrange and model the bill, that they might not send up to the other house the same bill which that other house had already rejected; and if they could so qualify the bill as to ensure the concurrence of the other house, without vitally affecting its principle, he did think that the house in that case would have accomplished its object. But if any bill which had been rejected by the other house should be again sent up to them, gentlemen must feel, that the lords would, in that case, jealously assert their own privileges, and consult their honour and dignity as one of the houses of parliament, in rejecting at once any attempt to force upon them a measure they had already negatived. He, for his part, should chearfully accede to the proposition of his hon. friend; but at the same time, if it would be so inconvenient to the right hon. gent. now to go into a committee, he should not resist any arrangement for mutual accommodation.

The *Speaker* thought it necessary to apprize the house, that no order being dropped was revived of course, unless a general understanding in any particular case dispensed with the general usage: it was otherwise competent for any hon. member to object to any motion grounded on such order.

Mr. *Bankes* said, that he should be governed by the opinion of the chair, and therefore should now merely move, that the house do to-morrow resolve itself into a committee on the said bill.

Mr. *Tierney*, before the question was put, wished to know from the right hon. gent. opposite, if it was his intention to propose in the committee any amendments, of a nature so important as to affect materially the principle and constitution of the bill? He wished, in short to know the object of the right hon. gent.'s amendments.

The *Chancellor of the Exchequer* replied, that in any amendments he might feel it his duty to offer, his sole object would be, to prevail upon that house to let the bill so go out of it as to ensure, as far as could be done, the concurrence of the lords; to make the bill now before the house substantively different from that which had been already rejected by the upper house. He knew not that it would be necessary for him to suggest any amendment to the committee; nor was he at all anxious to engraft any amendment on the bill, but in the way and for the purpose he had already stated.

Mr. *Calcraft* really felt for the embarrassment under which the right hon. the chancellor of the exchequer laboured. Having given notice of two precise amendments, he thought that in courtesy to the house, and in justice to his own consistency, the right hon. gent. ought to explain his intentions more specifically.

The *Chancellor of the Exchequer* could only repeat what he had already distinctly stated on the subject, with respect to the principle by which his conduct would be regulated. The manner in which it would be proposed to fill up the blanks in the committee, must unquestionably influence his determination. He thanked the hon. gent. for his kind sympathy, in what he was pleased to term his embarrassment. He was, however, conscious of no embarrassment; but on the contrary, believed, that the embarrassment was on the part of the hon. gent. and his friends, who were apprehensive that the measure, about which they professed to be so anxious, should go to the house of lords with less obstruction than they anticipated.

Mr. *Calcraft* declared it was his most anxious wish that the bill should go to the lords in such a shape, as to give it a chance of being passed by their lordships. It was on that account that he was glad to find the hon. mover intended to limit the operation of it to two years. He could not at all comprehend the right hon. gent.

Mr. *Bankes* trusted that his conduct in the whole of this transaction would be free from any suspicion that he would admit of a dishonourable compromise on the subject. He repeated his former statements, that he had never in the most remote degree abandoned the original principles in which he submitted this bill to the house; he hoped that the house would never abandon them;

but he had considered himself obliged to give up for a time a part of those principles, in order to do as much as he could, since he could not do all that he wished.

Mr. *Tierney* disclaimed all intention of imputing to the hon. gent. any improper motives.

Mr. *Whitbread* thought the house had not been fairly treated by the right hon. the chancellor of the exchequer. He had formerly stated two specific amendments which it was his intention to propose; amendments which would certainly render the bill nugatory, but which had nothing on earth to do with the limitation of time in the operation of the bill; and now the right hon. gent. said, that he should be regulated by the filling up of the blanks in the committee, when in fact there was but one blank in the bill, and that blank related solely to the limitation of time. This bill had attracted great attention throughout the country. It was a bill of considerable public moment, and that had been much increased by the manner in which it had been opposed in the other house. As the house of commons could have no security that the bill, however modified, would be agreed to by the house of lords, he thought it most important that they should at least preserve their consistency, even at the hazard of giving offence to their lordships; it had always been his intention, therefore, and he now formally notified it, when the bill had passed through the committee, to move that the limitation of time should be left out altogether. For the purpose of allowing the bill to be committed to-morrow, he would cheerfully postpone his motion for papers respecting Russia to Friday.—The bill was then ordered to be committed to-morrow.

[Pauper Lunatics.] Mr. *C. Wynne* moved for leave to bring in a bill for the better care and maintenance of Pauper and Criminal Lunatics. The hon. gent expatiated with much feeling on the misery to which these unfortunate beings were at present exposed. It appeared by the returns on the table, that there were at the present moment, above 1800 pauper and criminal lunatics, confined in places where they were precluded from all possible chance of recovery. When it was known, that of the lunatics in Bedlam, St. Luke's, &c. about half were annually restored to a sane state of mind, the consideration that so many unhappy wretches as the criminal and pauper lunatics should be doomed to irremediable misery was a most melancholy one. He meant to propose in the bill, that they should be properly taken care of by the respective parishes to which they belonged. The propriety of extending the bill to Ireland and Scotland had been suggested to him; but as in those parts of the empire parochial relief was not afforded to the lower classes, some measure of a different description must be devised to meliorate the condition of these unhappy wretches in those countries.

Sir *J. Newport* perfectly agreed with his hon. friend that some measure was loudly called for in Ireland, to relieve the distress of the pauper and criminal lunatics, the imprisonment and treatment of whom, in that country, afforded a most disgraceful spectacle. He could never be reconciled to the grounds on which the bill that he had, himself, submitted to the house on this subject, had been rejected.—Leave was granted to bring in the bill.

HOUSE OF LORDS.

Thursday, April 7.

[Jesuits Bark Bill.] On the Petition of Mr. de Testat against the Jesuits Bark bill, Mr. Campbell appeared as counsel for the petitioner, and stated the circumstances under which Mr. de Testat would be a great sufferer if this bill was carried into effect; and several witnesses were examined in support of the petition. Mr. Campbell then requested till to-morrow, or such other day as their lordships should please to appoint, to sum up. The lord chancellor called upon him to sum up now.—Lord Grenville suggested, that in fairness and justice to the petitioner, time should be given till to-morrow, to enable the learned counsel the better to consider the evidence.—Lord Hawkesbury saw no reason for delay; the case was not of a complicated nature, and did not in his opinion, require any further postponement.—A conversation of some length ensued, in which lord Holland moved, that the counsel should sum up to-morrow. Lord Auckland moved as an amendment, that the counsel should be called upon to state what delay he asked, and the reasons for asking it. This amendment was opposed by lord Hawkesbury, and supported by lords Grenville and Erskine. The amendment was negatived.—The house then divided on the main question for hearing the counsel to-morrow: Contents, 15: Non-contents, 32. Majority, 17.—Mr. Campbell then proceeded briefly to sum up and comment upon the evidence.—On the question for the third reading of the bill,

Earl *Bathurst* stated the object of the bill, which, he said, had been miscalled a bill of privation, as it went to allow the exportation of bark upon certain conditions. Information had been received, that the French government, wishing to obtain a supply of this article, had given directions that this article should be admitted into the French ports, although coming from this country, provided it formed the sole cargo of the vessel. It was thought a little too much, that the enemy should not only obtain this article of which he stood in need, but should also obtain it upon his own terms; and therefore this measure was resorted to, in order that the enemy might be prevented from obtaining a supply of this article, unless he took with it British colonial produce, or British manufactures. He could not conceive, therefore, that this bill was liable to any of those objections which had been urged against it. A noble and learned lord had, on a former night, urged an objection to it on the ground of religion; but surely there could be nothing inconsistent with the dispensations of Providence in assisting and promoting human industry.

Lord *Erskine*, notwithstanding the arguments of the noble earl, still maintained the opinion which he before urged, that this measure was contrary to the dictates of religion and the principles of humanity; and so strongly did he feel upon this subject, that he intended, in case the house agreed to the bill, to embody the reasons which operated in his mind against it in the form of a protest, that they might remain upon the journals of the house, and go down to posterity. It could not be said to be analogous to the case of a siege, because there the object was, in forcing the besieged to endure privations, to compel them to surrender, by which they might put an end to those privations; but by this measure, sickness and disease were to be bereft of a medicine, which was an effectual remedy, and this without any object to be attained, but that of distressing the innocent inhabitants of the continent. Such a mode of warfare was inconsistent with the dictates of the christian religion; and he rejoiced, that on this occasion, the reverend prelates who usually attended that house, did not attend to vote in favour of this measure. As to the information stated by the noble earl to have been received, that house knew nothing of it, and therefore it could not form a ground for supporting this measure.

Lord *Boringdon* contended, that the principle upon which supplies were cut off from a besieged town equally applied to this measure, and to the measures of which it formed a part: and he thought it highly probable, that they would have a similar effect with the cutting off supplies from a besieged town, within a period not longer even than some of the sieges during the last war, by forcing the enemy to repeal his decrees against the commerce of this country. The principle of prohibiting the exportation of bark, was not here in question; as, under the operation of this measure, France might have bark if she chose, that is to say, if she chose to take along with it articles of British manufacture or commerce.

The Earl of *Albemarle* wholly reprobated this measure, which he considered as utterly indefensible, it being contrary to the dictates of religion and the principles of humanity, highly impolitic, and at the same time inefficacious, even in the view of those who proposed it. What effect could it have on the armies of France? It was merely to operate on the sick and disabled; it was carring on war with hospitals, and not so much with the sick and disabled soldiers, as the innocent peasant. It had been said in a former debate by a noble lord, that if we had the hands of Europe against us, we had with us the hearts of many of its inhabitants; but if this measure was to be carried into effect, we should have both the hands and hearts of all Europe against us. It would be besides of no avail: there was already a sufficient quantity of bark on the continent. The noble earl quoted the prices of jesuits' bark in Feb. at Paris, to prove that it was not higher at that period, than the price in this country. This bill therefore could not have the effect attributed to it by a noble lord, of operating with any compulsory effect upon the enemy, he having already a sufficient supply of this article; it could only have the effect of displaying a principle of warfare wholly inconsistent with those feelings of justice and honour, which had hitherto formed distinguishing features in the British character.

The Earl of *Westmoreland* contended, that noble lords on the other side, when in administration, had by their blockade excluded bark, as well as other things (bark not being excepted), from the continent, and that therefore that measure must stand upon the same principle as the present. When the noble lords talked of the distress inflicted upon the enemy, it should be recollected that the enemy had by his decrees endeavoured to ruin the commerce and manufactures of this country, and thereby to inflict the greatest misery upon thousands of persons employed in them. Was it, then, to be regarded as an act of inhumanity to prevent him from obtaining an article of which he stood in need, unless he took with it a portion of those manufactures which he endeavoured to ruin? Was it not rather an act of policy, consistent with and required by the interests of the country? He concluded with observing, that the arguments of the noble lords on the opposite side, tended, as they had done during the whole sessions, to favour the views of the enemy.

Lord *Holland* combated the general principle of the measure, which was not calculated so much to affect the armies of our enemies, as to distress the women, children, and peasantry, in Spain and Portugal, in which countries it was well known with what care and humanity the landholders made it their business to provide their tenantry with this necessary article. The French armies, it must be known to every one, would not want, so long as a supply was to be had; it must, therefore, be by the helpless and oppressed inhabitants that this privation would be chiefly felt.

Lord *Mulgrave* vindicated the present bill as one of those measures which were called for by the aggressions of our enemy. If he would resort to an unusual and unauthorised mode of warfare, nothing remained for us but to follow his example, and, by retaliation, to compel him to return into the common and established track.

The Earl of *Lauderdale* could not forbear noticing the highly unparliamentary conduct of the noble lord who bore his majesty's privy seal, in charging noble lords on that side of the house, with having made it their business, for the last month, to do nothing else but repeat the language of the enemies of the country. Such language was highly indecorous at any time; but it was still more so, at a moment when the manufacturers and merchants of the country were seen at their lordships bar, professing, and adducing evidence in support of similar arguments to those which he and other noble lords had maintained. His lordship could not believe that any British peer, or, indeed, that any British subject, could be found, at the present moment, vile enough even in idea to countenance the enemies of the country. If however such a sentiment could be imputed to any one, it must be to those who could support an administration capable of introducing measures like the present.

Lord *Redesdale* supported the bill, as consistent with sound policy, and the law of nature.

Lord *Grenville* took a comprehensive view of the subject. He particularly cautioned the house to look well at the consideration they were to receive as the price of the honour, justice, and humanity of the country. The assertion of the noble lord (Mulgrave) that we were entitled to resort to whatever species of warfare might be adopted against us, he confessed surprized him not a little. Were we, if at war with a nation of Indians, because they might scalp our men who fell into their hands, to retaliate on them by scalping their people in return? If at war with the Persians, and they poured poisoned weapons into our tents, were we too to poison the weapons with which we fought? If they poisoned our streams of water, were we to retaliate by poisoning their fountains? If they employed assassination against us, were we to turn our swords from fair and honourable warfare, to match them in deeds of treachery and disgrace? Such, he thanked God, had never been our system of waging war; nor, till the present measures were introduced, had we ever sacrificed a particle of our national character. It had been remarked, that one of the greatest ornaments of the city of Lyons was an hospital for the sick and infirm; when that city was attacked by Robespierre, he ordered his cannon to be directed principally against this structure, as being an object the destruction of which gave peculiar delight to his sanguinary and inhuman disposition. In adopting the present measure, we endeavoured to assimilate ourselves to that monster of inhumanity; for what else was the present bill, but a cannon directed against the hospitals on the continent? The bill, however, had this additional disadvantage, that it was completely futile and inadequate. So that all we should gain by the measure would be, to evince the inclination, without possessing the power, to do evil.

The *Lord Chancellor*, in answer to the noble lord who spoke last, referred to an act of the administration of which that noble lord was a member, by which the importation of provisions into France was prohibited, and asked, if it was possible for any person to have acquiesced in that measure, and yet to argue as the noble lord had done against that now under consideration?

Lord *Hawkesbury* defended the bill with great force and animation. He contended, that in no respect was it inconsistent with justice and humanity, or sound policy, but conformable to the practice of this country at all times. The present measure was but a link in the series of measures which had been imperiously called for, by the urgent necessity of retaliation, and of the agency of every means that could bring the enemy to a sense of his own blind violence and injustice; in short, it was one which promised to operate the salvation of the country—an effect which experience already began to prove had taken place to no small extent. As to the charges of inhumanity and cruelty which were affixed to the measure by the noble lords opposite, he could not but be surprised to hear them from the lips of the noble baron (Grenville), who was himself the author of a measure in 1794, which evidently tended to starve the population of France without any distinction.

Lord *Rosslyn* could not help making this observation; that the price at which bark had been procured for the British army in 1805, was only one shilling lower than that at which it was known to be now selling at Paris. What, then, could be expected from the pressure which it was likely to produce on the enemy?

The question was now eagerly called for, and the house divided on the third reading of the bill. Contents, 54; Proxies, 56—110: Non-contents, 22; Proxies, 22—44: Majority, 66.

Lord Grenville presented a clause by way of rider, with a view to indemnify individuals, who should be injured by the bill. Lord Hawkesbury opposed the clause, as laying down a bad precedent. It was rejected without a division.—The bill was then passed.

[Protest against the Jesuits Bark Bill.] "Dissentient; 1. Because the jesuits' bark, the exportation of which is prohibited by this bill, has been found by long experience to be a specific for many dangerous diseases which war has a tendency to spread and to exasperate; and because to employ as an engine of war the privation of the only remedy for some of the greatest sufferings which war is capable of inflicting, is manifestly repugnant to the principles of the christian religion, contrary to humanity, and not justified by any practice of civilized nations.—2. Because the means to which recourse has been hitherto had in war, have no analogy to the barbarous enactment of this bill; inasmuch as it is not even contended that the privation to be created by it has any tendency whatever to self-defence, or to compel the enemy to the restoration of peace; the only legitimate object by which the infliction of the calamities of war can in any case be justified.—3. Because the only possible answer to these objections is, that the bill will not produce the privation which is held forth as its ostensible object, inasmuch as the jesuits bark may be exported under licences from the crown; but such an answer would only prove the bill to be wholly useless to its purposes, whilst it would still leave in its full operation the odious precedent of having resorted, in cold blood, for the mere speculative sale of our manufactures, even to the possible infliction of miseries not to be vindicated but by the view of self-preservation, or, in the extremities of war, directed to that justifiable object.—4. Because, as no scarcity of the jesuits' bark appears to exist in France, and as, in the contrary case, no possible exertion on the part of this country could effectually prevent its importation into the numerous ports under the dominion or controul of the French government, the bill appears to us to be grossly vicious in principle, whilst it is absolutely nugatory in practice, and therefore in every point of view, disgraceful and absurd.—5. Because if it were even just, expedient, or practicable, to force the importation of our manufactures upon our enemies, by withholding the jesuits' bark but upon condition of their permitting such importation, that principle should have been distinctly expressed in the bill, and the conditions specifically declared in it, instead of vesting in the crown an arbitrary discretion to dispense with the prohibition by licences, a power destructive of the equality of British commerce, and dangerous to the freedom of the British constitution. (Signed,) Erskine, Cholmondeley, Upper Ossory, Bedford, Ponsonby, (earl of Besborough), Albemarle, Ponsonby, (of Immokilly), Essex, Carrington, Grenville, Rosslyn, Lauderdale, Clifton, (earl of Darnley.)"

HOUSE OF COMMONS.

Thursday, April 7.

[Assessed Taxes Bill.] The Chancellor of the Exchequer moved the order of the day, for the second reading of the Assessed Taxes bill.

Mr. *Biddulph* begged to call the attention of the house to this bill, which was about to pass without that degree of notice which its importance required. This bill went to repeal all the existing Assessed Taxes, and to grant others in lieu thereof, and as the constitutional mode of proceeding had not been taken with respect to it, and no parliamentary ground had been laid for the imposition of new taxes, however unusual it was to take such a course, he should oppose the further progress of the bill, unless some satisfactory ground should be shewn in support of the measure. The forms of the house were the constitutional barriers against innovations, such as this measure; and he should therefore oppose the measure, unless a constitutional ground should be laid for its adoption.

Mr. *Huskisson,* not understanding what the hon. gent. meant by constitutional ground, begged to state to the house the grounds upon which his right hon. friend had brought forward this measure. The house would be aware that it was due to the public creditor, when an addition was made to the public debt, to make a provision for the interest and charges accruing from such an addition. It would be recollected that a sum of four millions of Exchequer bills had been funded in the course of the present session, the charge for interest and sinking fund upon which amounted to 252,000*l.* The sum to be raised by the bill before the house was something more than 100,000*l.* as part of the ways and means for defraying the charge alluded to; as the Assessed Taxes were to be collected from the 5th of April it was desirable, however, small as the addition might be, to bring forward the proposition in time, so that the house might be aware of the extent of it. As he was on his legs he took occasion to state, that there was a clause in the bill for reducing the allowance of poundage to the collectors one fourth, by which there would be a saving to the public of fifteen thousand pounds.

Mr. *Biddulph* was not satisfied with the explanation of the hon. gent. who had not communicated any thing but what the house knew before. Parliament was a great council of finance to the government, and ought to be constitutionably consulted upon all subjects of new taxes. It was from a conviction, that so far as related to the 252,000*l.* the annual charge upon the funded exchequer bills, no new taxes were necessary, as he could shew, and on that account he should oppose the further progress of the bill.

The *Chancellor of the Exchequer* was not sensible of any unconstitutional circumstance connected with this measure. If the hon. gent. believed that he could point out a mode of providing for the payment of the interest of the addition to the public debt, without new taxes, that was a sufficient reason for his taking the course he adopted, or preferring his own suggestion. But the house must expect that the hon. gent. should state his proposition before it would interfere with the progress of the measure. It was desirable, if the bill was to pass in the present session, that it should be passed with all convenient expedition. When the bill should go into the committee, the hon. gent. would have an opportunity of making any suggestion that occurred to him upon it. But the house would not interrupt the progress of the bill upon the bare assertion of any hon. member, that there was a something preferable to the bill, which, upon another occasion, he would state to the house.

Mr. *Tierney* observed, that the house had not been called upon, on this occasion, to vote new taxes. The notice referred merely to regulation. As the right hon. gent. had before voted regulations under the pretence of duty, he now voted duties under the pretence of regulation. He would not say that this was absolutely smuggling the measure, but certainly the proper course had not been taken. His majesty's speech had congratulated the house that a mode had been discovered by which the public service could be carried on without any additional taxes; and yet the right hon. gent. had proposed a new and heavy tax, without notice of his intention in that particular; without laying any ground for it, and without having brought forward the budget in the usual way. He merely disputed the regularity at present, but, whatever mode might ultimately turn out to be the proper one, he thought there were good reasons for delaying the progress of the bill.

The *Chancellor of the Exchequer* said, that the design of the bill was to regulate the collection of these taxes, to lower the rates in some cases, and raise them in others, and he saw no objection to the mode that had been adopted. Sufficient time would be given to examine it when it came into the committee.

Dr. *Laurence* observed, that the objection was to the principle, and not to the specific bill. Money was to be raised to answer a new charge on the consolidated fund, without any statement in the committee of ways and means that it was for that object. The whole that was wanted for the year ought to be brought under the review of the house at once, in order that it might judge whether any, and what taxes were necessary.

Mr. *Rose* said, that the great principle was, not to allow the ways and means to exceed the supply, and this principle was not violated in the present instance. The consolidation act went a great deal further than this bill, and yet no objection had been made to it.

Mr. *Whitbread* observed, that the notice which had been given of the design to lay this duty was not at all sufficient, even in point of fairness to those who were to be subject to it. There was certainly no occasion for any particular haste, in providing for the interest of the four millions, considering the flourishing state of the consolidated fund, as stated by the gentlemen on the other side. As to the consolidation act, he recollected that there had been a great outcry among the public that taxation was carried on under cover of consolidation. This bill was less extensive in its operation, but both were liable to strong objections. No injury would result from delaying this bill.—The Bill was then read a second time.

[OFFICES IN REVERSION BILL.] Mr. Bankes moved the commitment of the Offices in Reversion bill.

Lord *Ossulston* rose, and spoke for some time; but so inaudibly, that it was impossible to collect even the general purport of what he said. He seemed to argue against the amendments of which the chancellor of the exchequer had given notice.

The Speaker having left the chair, and Mr. H. Thornton having taken the chair of the committee,

Mr. *Bankes* rose, and requested leave to remind the committee of the situation in which they now stood, from the former bill having been rejected by the lords. They were thereby precluded, in point of form, from bringing forward exactly the same measure this session. It was on this account, that he had brought in a bill with a limitation in point of time. If this was carried, it would at least secure one object, namely, the prevention of any new grant during the limited period, which might affect the proceedings of the committee. With respect to the great measure of absolutely restricting the crown from granting Offices in Reversion, his object was now to proceed in the most conciliating manner possible, without sacrificing the principle of the measure. In opening his views as to the limitation of time, he thought it in vain to propose a longer period than that which had been proposed in the house of lords. This period (two years) was too short in his opinion; but if he were to introduce a longer period, he rather feared it would cut off all chance of the passing of the bill, and disturb the harmony of the two houses. But it had been suggested to him, that this period of two years would be the most offensive that could be introduced, for it was exactly that which the lords themselves had rejected. This consideration had determined him to relinquish this period, and to propose one which he hoped would be equally useful, without subjecting the bill to so much risk. He intended, therefore, that the blank should be filled up, with a provision that the bill should be in force for one year from the passing of the act, and from the close of that period to the end of six weeks from the commencement of the subsequent session of parliament. This would secure the remaining part of the present session, the whole of the next session, and six weeks of the session following. He hoped the house would be satisfied with this at present, with the understanding, that they gave up no part of the principle; but still looked forward to the further object of having the measure rendered permanent. The term would be sufficient for some of the purposes which the committee had in view, and therefore was applicable to the situation in which the house had been placed. He had heard that some objection had been taken, on the ground that the reasons for the bill had not been stated in the preamble. In the spirit of conciliation which he wished to preserve, he would move that it should be stated in the preamble, that the measure was connected with something at present pending in the house of commons, and that the words, 'suspended for a limited time,' should be substituted for the absolute prohibition. He hoped the right hon. the chancellor of the exchequer would see that he was disposed to go every possible length for the sake of harmony. His right hon. friend had before stated, that he had no objection to the measure, though he did not think it of much consequence. The object of the amendments of which he had given notice, must therefore have been to render the measure different from what it was before, so that it might meet with no opposition in point of form. As the alteration which he proposed would answer the intended purpose, he hoped his right hon. friend would not persist in his amendments, which he could not agree to.

The *Chancellor of the Exchequer* was unwilling that the house, in pursuit of the measure which it thought necessary to be adopted on this occasion, should send back to the lords a bill so entirely similar to that they had before rejected, that their concurrence could not possibly, with any regard to their forms or consistency, be expected. On this ground, he had, on a former night, when his hon. friend proposed a bill similar, if not altogether the same as that so recently rejected in the upper house, intimated in what respects he considered the mode adopted by his hon. friend improper. He admitted then, as well as now, that the limitation in point of time, proposed by a noble friend of his (lord Hawkesbury) in the other house, had his entire concurrence. He therefore could have no objection to that feature of the bill now before the house, otherwise than as being conveyed in a manner in which it could not be expected to pass the other house. He had at that time intimated his intention of proposing a clause, the object of which was entirely mistaken. Understanding that one great ground of complaint against grants in reversion was, that the want of notoriety attending them was likely often to give occasion to their being given to improper persons, he suggested as a remedy, that every future grant of the kind should be published in the gazette. This proposition for regulating the mode of granting, was supposed to imply a determination that grants in reversion should be made, whereas the object of the committee of finance was to keep every office as free and open as possible to any reform they might think proper to introduce. His proposition was by no means intended to impede this object; but having been so misunderstood, and misrepresented, he should abandon it. He was glad to find that, so far, at least, he proceeded with the general approbation of the house. With the alteration in the preamble also, he gladly coincided, as it fell in with the wish of presenting a new measure to the other house. The former bills proposed to abolish grants in reversion altogether. The present proposed only to suspend the exercise of that part of the prerogative for a time to be limited. Thus the present bill was different from the others in substance and form. Whether, after all, the measure was likely to be supported in the lords so as to pass that house, it was not for him to say; but he thought it incumbent on the friends of the measure, and on the friends of the cordiality of both houses, to avoid framing it so that there would be obvious ground of objection on the face of it, and, consequently, very little probability that it would pass. On these grounds, he approved of the measure as it was now proposed by his hon. friend, and forbore to press the amendments he had on a former night suggested. He had had some other amendments also in view, all tending to the same effect, of making the measure more acceptable to the lords, by coming in a new shape; but he confessed, that the course pursued by his hon. friend, on mature consideration of all the circumstances and all the reasons connected with the general principle, rendered these amendments unnecessary. His opinion of the bill itself was not changed. He neither saw those great benefits which some supposed likely to result from it, in point of public economy; nor did he see that danger to the prerogative which existed in the apprehensions of some of the lords. So far as it was represented to the public, that any great diminution of its burdens could be effected by the retrenchment of these offices, the promise was delusive, and would be attended with great disappointment; to that representation, therefore, he wished to be no party. On the other hand, with respect to the prerogative of the crown, though some alteration might be made by the bill for the present, by taking away the liberty of making grants in reversion, yet, when the offices so granted should fall in, the power of the crown, in that respect, would be increased rather than diminished. He was of opinion, that grants in reversion were often a cheap mode of rewarding public service, which would otherwise be to be rewarded by actual and immediate remuneration, at the public expence. Yet, with this opinion, he thought it desirable that the bill should pass both houses of parliament, because public notice had been attracted to it; and many members of that house, as well as a great portion of the public out of doors, looked upon it as essential, in a high degree; and though he did not look upon it in that view, he thought so general a feeling ought to be gratified, when no mischief could result therefrom. In this view, he fell in with the propositions of his hon. friend; and his reason for not declaring himself last night was, that he wanted to be informed of the precise course his hon. friend would take.

Mr. *Whitbread* could not help making a few observations upon what had fallen from the right hon. the chancellor of the exchequer. He began with doing him the justice to say, that he had acted with perfect consistency throughout the whole course of the proceedings upon the present measure, because he had professed it to be his opinion, from the beginning, that little advantage was likely to be derived from it. He had all along contended, as he had done this evening, that little benefit was to be expected from it in the way of economical reform, and that those who held it up as a desirable measure in this point of view, either completely misunderstood or misrepresented it. He (Mr. W.) did not think that it would be productive of much present good, but he did think that it might be productive of great ultimate good. The burdens which the people had to support were various in their nature, there were burdens of feeling as well as burdens of taxation, and to their feelings it would certainly prove no small alleviation.—The hon. gent. expressed his satisfaction that the rt. hon. the chancellor of the exchequer had abandoned his amendments; from whatever motive he had been induced to do it, whether from a proper deference to the sense of the people, or from the recommendation of the higher classes of the people, or from the advice of some of his colleagues in office. From whatever motive he had done it, he rejoiced at it, because the amendments, had they been introduced into the bill, would have rendered it worse than nugatory. They had no more connection with the limitation of time, than with any other subject to which they might have been applied. The first, which related to giving notice of the intention of granting an office in the gazette, it would have been easy to evade by giving that notice in the interval of the prorogation of parliament; and the other, that they should not stand in the way of reform, it would be impossible fairly to carry into effect, without either doing injustice to individuals, or granting them a compensation for the injury they might sustain, out of the public money. These amendments, however, the right hon. gent. was ready to drop, and he now seemed anxious only to pass the bill in such a shape as might not give offence to the other house of parliament, standing there as the advocate and guardian of the honour and dignity of the lords; though, considering his situation, he (Mr. W.) thought that it would have been fully as becoming in him to have asserted the rights and privileges of the commons. He certainly deprecated, as much as any person, a misunderstanding between the two branches of the legislature; but, if such a misunderstanding could only be avoided by a surrender of the privileges of that house, he confessed that he would choose rather the former than the latter part of the alternative. The right hon. gent. too, assumed in argument what he certainly did not shew, and what he (Mr. W.) was far from being convinced of, that if the bill passed the house of commons in its present shape, it would have the concurrence of the lords. So far was he from being convinced of this, that from the record which he now held in his hand of what had passed in the other house of parliament upon the former bill, he was inclined to draw a conclusion directly the reverse. From these minutes, he saw that the principle of the bill had been objected to by a majority of their lordships, and that a protest had been drawn up and signed by certain lords expressly against this principle. The right hon. gent. said that an amendment had been moved by a noble friend of his (lord Hawkesbury) with his concurrence. But, after having assented to the bill to its full extent in the house of commons, it would have been but respectful in the right hon. gent. to have consulted the house before giving his assent to such an amendment, or certainly he ought at least to have consulted his colleagues before he gave his support to the bill without limitation of time. But, it was material that the house of commons should be aware, that the same lords who had voted against the principle of the bill likewise voted against the amendment; and that his majesty's confidential servant was left in a minority in the upper house, ranged with the opposition against the princes of the blood, and those who supported them. Upon what ground now, therefore, he should be glad to hear, would the present bill not meet the same fate with the other? He knew that in the other house there were a variety of little implements (alluding to the proxies), which might be shifted backward and forward, so as to bring the king's ministers a second time into a minority, and to afford a new triumph to a party more powerful than the administration.—Mr. Whitbread here recapitulated the fortunes of the measure from the first time that it was proposed down to the present day. In the late parliament the house of commons passed a resolution, founded upon a report of the committee of finance, for an address to the king, praying no offices might in future be granted in reversion, and a bill was brought in to affix the legislative sanction to this resolution. A dissolution of that parliament took place before the bill was passed; but, when the present parliament met the bill was renewed, and passed the house of commons with only one dissenting voice. It was afterwards thrown out in the house of lords, in such a way as to shew that his majesty's ministers did not take a very lively interest in the measure. The house of commons were obliged a second time, on finding their intentions frustrated, to address the king, praying him not to grant offices in reversion. This session another bill was brought in, which, after some debate in the lords, had likewise been thrown out. Now, a bill was brought before the house for preventing the grant of offices in reversion for a limited time, which he thought likely to meet the same fate with the two former bills, the consequence of which would be to compel the house to recur to the old measure of an address to the king. The right hon. gent. seemed to think, that the present bill was not likely to give offence to their lordships; upon what ground, it was difficult to conceive: because, if their lordships were hostile to the principle, there was no change in the principle of the present bill, and the clause limiting its duration had been proposed and negatived. He, for one, therefore, had no hope that it would pass into a law even in its present form. He did not wish to exaggerate the benefits to be derived from the bill; but he was extremely desirous that it should be carried into effect, as the first fruits of the inquiries of the committee of finance. He thought that the wisest and most dignified course for that house to take was, to persevere in sending the bill back to the lords, in its old shape; and therefore, when it came out of the committee, it was his intention to move, upon bringing up the report, that the clause of limitation should be left out altogether. If he should hear, however, in the course of debate, any reason to induce a persuasion on his mind that the bill, even in its present shape, would meet the concurrence of the lords, he should desist from his purpose, hoping that when it expired it would be again renewed, and that, perhaps, at a time when it would have fewer prejudices to encounter. At all events, he thought it better to fill up the blank in the way that had been proposed, than to limit its duration to two years; because it gave an assurance that it would expire during the sitting of parliament.

Mr. *Davies Giddy* threw out some ideas respecting a plan for remunerating public services, by which, without diminishing the sources of national liberality, an immense saving might be effected. A sum, not exceeding 166,000*l.* granted in life annuities to public servants, above 45 years of age, would be amply sufficient for that purpose.

Mr. *Fuller* considered the measure as a tub thrown to the whale, and left by his majesty's ministers to float its own way. The late ministers managed their tubs better; the bill for abolishing the Slave trade, for instance: their chancellor having remained in to give it the final sanction, after all his colleagues had resigned. Though he thought the bill of no use, he was willing to gratify the public by passing it. He respected the people, and felt for them, and thought that they ought to be gratified as much as possible, even in their follies; particularly in a case like the present, when this could be done without much injury to their interests. For his own part, he was of opinion that the power of granting reversions was of great service to the public, as a mean of rewarding public services; and infinitely preferable to granting pensions, which, when they fell vacant, a minister might either put into his own pocket, or give to a child at school.

Sir *John Newport* expressed his surprise to find the present measure considered by any one as of little importance. He held in his hand a list of offices held in reversion in Ireland, which would completely demonstrate the fallacy of this opinion. He merely mentioned a few of them by way of specimen. In the custom-house department, there were no fewer than nine offices held in reversion, to each of which a salary of 300*l.* a year was annexed. And here it was material to observe, that it was not the amount of the salaries which formed the most objectionable part of the arrangement; but the serious part of the evil was, that they presented an insurmountable obstacle to reform in that department. The office of storekeeper of the port of Dublin had been originally granted for three lives, and was now held for two lives (the two Beresfords), to which was annexed a salary of 2135*l.* which might be spared to the public, after paying a deputy for performing all the duties of the office. And here also, the loss was not confined to the salary paid; but the existence of the office itself rendered it impossible to reform the present system of storages, from which the public was a material sufferer. Accordingly, he had proposed to grant a compensation to the holder and expectant of the office, provided that they would give up their titles to it, to relieve the public from a loss to which it was at present subjected, of more than six times the amount of the salary. It would, he said, be quite endless to go through the list, and therefore he should merely mention a few more by way of specimen. The office of craner and wharfinger of the port of Dublin, all the duties of which were performed by a deputy for 300*l.* was held by two brothers of a noble marquis, with the reversion to lord H. S. Conway, with a salary of nearly 1000*l.* a year. The office of comptroller of the port of Cork was held by sir J. Lees, with the reversion to his two sons, with a salary of 800*l.* a year, after paying a deputy for discharging the duty. The right hon. baronet asserted, that if the house of lords wished to know upon what grounds the bill was recommended by the house, it would be sufficient to send up the list which he now held in his hand. The office of taster of wines, which had been dropped for two centuries, was renewed in favour of the right hon. J. Beresford, with a salary of 1000*l.* a year. If he were to go into the law department, there he could find places, not merely of 8 or 900*l*, but of 9, 10 or 12,000*l.* a year. He should merely mention one circumstance connected with this department, to shew to what extent abuses had been carried. About four years ago, when an act of parliament was passed to transfer in future such causes as it had been usual to try in the court of exchequer in Ireland, to the court of king's bench or common pleas, a commission was at the same time appointed to inquire into the amount of fees which had been paid to the officers of the exchequer court, and a compensation was granted to them upon the average amount of these fees for three years, out of the consolidated fund; and this commission had been actually employed for three weeks in considering whether a compensation ought not to be made to the rat-catcher to the board of ordnance! In short, he would take upon himself to prove, that compensation had been given in many instances by a noble lord (Castlereagh), whom he did not now see in his place, and who never failed to make his escape when any part of his conduct in Ireland was likely to be touched upon, merely to procure the assent of the individuals who received it to the union between the two countries. He should now mention one instance out of many which he could adduce. About a year before the union took place, he applied to a noble lord to accept the office of chairman of the Irish house of peers; and upon that noble lord's pleading his ill state of health as an excuse, he prevailed upon him to comply, by assuring him that he would only have the duty to perform for one year, and that he should have the salary for life. All promises and engagements of this nature which the noble lord had entered into, had been most scrupulously observed; but, unfortunately, every promise which he had made to the people seemed to be utterly forgotten.

Mr. *Biddulph* made a few observations in reply to some suggestions thrown out by Mr. Davies Giddy, for the establishment of a fund for the purpose of remunerating distinguished public services.

Mr. *Tierney* asked whether he was to understand that the bill, in its present form, would have the full and cordial support of his majesty's ministers? [No answer was given.]

Lord *Porchester* contended, that after the abuses which had been enumerated by the right hon. baronet (sir J. Newport), whose accuracy could not be questioned, and which he had given as but a small specimen of those which he knew to exist, it must be obvious that there was no part of the prerogative which was more abused than the power of granting offices in reversion. The house of commons had been frequently called upon in the course of the present and the late war, to grant rewards to those who, by eminent and splendid services, had recommended themselves to the gratitude of the country, and he trusted that they would have many more calls of a similar kind to answer; but, he appealed to the recollection of any member of the committee, whether he remembered to have heard of such services being rewarded with offices which it had been customary to grant in reversion; though the crown was certainly in possession of the means of amply rewarding, from this fund alone, services the most conspicuous and brilliant. The chancellor of the exchequer had said, that this was the cheapest mode of remunerating public services, and his lordship was very much afraid that promises and expectations were too often the only way in which the meritorious servants of the public were rewarded. With respect to the present bill, he thought that the honour and character of the house were staked upon the measure; and that though it was important in itself, it had acquired an additional importance from this circumstance, independant of its own intrinsic merits. The right hon. gent. had told the committee (and his lordship confessed that he had heard him with not a little astonishment), that it was possible for the house of commons to send up the bill to the house of lords, in such a shape as not to merit even common attention from their lordships. Such was the language held by that right hon. gent. who united in himself the two offices of chancellor of the exchequer, and of a zealous and strenuous advocate for the dignity and honour of the house of lords! His lordship, however, reminded the committee, that the house of commons possessed the means of enforcing attention to their measures; or, at least, if they did not, their ancestors had them. He hoped, therefore, that they would shew the people that they were not wholly wanting in that spirit which had animated their forefathers; and that they would persevere till they had attained their object, with a firm determination to do their duty, discouraged by no difficulties, and undaunted by the frown of princes. He begged pardon for the warmth with which he expressed himself, but it was excited by the expression which had fallen from the right hon. gent. which he had heard with a mixture of surprize and indignation. He should accede to the bill, in its present shape, hoping that, at a future period, it would be carried into effect without any limitation of time.

Mr. *Wilberforce* complimented his hon. friend (Mr. Bankes) for having, in the conduct of the present measure, shewn himself to be animated with the truest spirit of patriotism. Those who wished to prevent a breach between the two branches of the legislature, and who were anxious at the same time to carry into effect an important measure of public reform, would, he was firmly convinced, agree with him in opinion, that for the alterations which had been introduced into the bill, his hon. friend was entitled to the thanks of that house, and of the country. He asked those who seemed to object to any modification of the bill which might tend to remove the objections which were felt to the former bill in the house of lords, to bear in mind that there were two branches of the legislature, and that it was impossible to carry any measure into effect without the concurrence of both. This being the case, if they really had it at heart to do some effectual and substantial good for the country, they must be desirous to pursue the object which they had in view in the way which was least objectionable, and which was least likely to shock the prejudices of the other house. How, then, did the matter stand? A bill, prohibiting the grant of offices in reversion, had been repeatedly sent up to the other house, and repeatedly rejected; and all that now remained for them to do, with a view to a more fortunate practical result, was to frame the present measure in such a way as to obviate those objections which had produced the failure of the two former bills. He was far from thinking the present a measure of small importance; because it was impossible to say to what length the vicious principle which it went to eradicate might grow. Pensions might come to be granted in reversion as well as places. There was another view in which it struck him as important. The granting of reversions was peculiarly liable to abuse, and on that account singularly calculated to excite public odium. When a place was bestowed only for one life, there was a barrier in public opinion against its being improperly conferred, because the character of the person to whom it was given was known; but it was otherwise with places in reversion, which might devolve upon persons totally disqualified from holding them, either by their characters or talents. Under a popular goverment, such as that under which we lived, it was more material than under any other to guard against the possibility of such abuses; and it was the duty of that house, not to leave any blots to which the finger of public scorn might be pointed, because they produced an effect upon the minds of the people beyond their real worth. In difficult times, too, like the present, every thing ought to be done to lighten the vessel of the state, that it might ride more securely in the midst of the storm. The present measure he contended to be one branch of a species of reform which it was completely in the power of parliament to accomplish. If there were no other reasons for acquiescing in the bill in its present modified shape, he was of opinion, that this consideration ought to have weight with the house, viz. the impolicy of holding out one branch of the legislature to public odium. It ought also to be recollected, that in a constitution such as that under which we had the happiness to live, and which was composed of different orders, it was the duty of the house of commons to meet the other house halfway: and such a line of conduct, he insisted, would be much more creditable, than pursuing the barren and unproductive honour of merely preserving its own consistency.

Mr. *Tierney* thought it an erroneous ground of argument to suppose, that the alterations now made would conciliate the lords. There was no good reason to think that would be the case. He gave full credit to the motives which had induced the hon. gent. to make the alterations now before the house; but he could not help thinking these alterations an abandonment of the principle the house had so frequently asserted, without any one thinking of limiting it in point of duration. If he could be sure the bill, as amended, would pass, he would not press his sentiments. But he looked in vain for any thing like such an assurance. He had a respect for the lords, but he was bound more to respect the feelings of the people; and the lords were as much bound to do so as he. Both houses had the same means of judging of the feelings and sentiments of the people. He had asked his majesty's ministers, who might be supposed capable of judging, whether the measure would have the support of all his majesty's ministers? But he could get no satisfactory answer, as the bill, though above a year under discussion, had never been a subject of cabinet consideration. A greater number of lords had, on a former occasion, strongly opposed the limitation in time, than opposed the principle of the bill. How, then, could it be expected, that what they so lately rejected with increased asperity, would now be acceptable to them. Some of their lordships had declared they would not sanction such a measure for a day. The house of commons had the rights of the people to maintain, and it was their duty to adhere to those rights. It was certainly an evil, if any branch of the legislature was brought into disrepute. But, what if this unworthy conduct was pursued with respect to the very highest branch, by a dark junto hid behind the throne. Such practices had been known in the worst times of our history; but the junto had never till now, come forth and arrayed itself against his majesty's ministers. He had been told this language had been used to his majesty's ministers: "They know who made them ministers, and the same power might unmake them." Indeed, the conduct of his majesty's ministers towards their sovereign had been highly criminal. It was not his charge to defend the executive power. But, he was sorry to say, his majesty's name was now in circumstances in which no good man would wish to see it placed. The right hon. gentlemen opposite had, indeed, commenced their administration on the same principle. The constitutional principle was, that the king should have the credit of every thing good and gracious, and the ministers all the blame of what might be of a different character. But the right hon. gentlemen opposite acted very differently, and introduced and allowed the use of the sovereign's name, coupled with conduct the most ungracious. He adverted to the address presented by the sheriffs of the city of London, which was complimented by his majesty as an example worthy of general imitation. But, next day, the same sheriffs presented petitions to both houses in favour of this bill, which was thought so dangerous and disloyal as wholly to undermine the prerogative. How was this inconsistency to be accounted for? Probably a whisper had been given to one of the leading aldermen. This mode of proceeding was not honourable. But, upon what occasion had the right hon. gentlemen opposite expressed one fair or manly sentiment in the whole course of the proceedings on this question? He knew well, that the only principle that actuated the right hon. gentlemen was how they could retain their offices. The principle of the measure was, that no offices should be granted in reversion, and the economic representation contained in his majesty's Speech could allude to nothing but this measure. He preferred a resolution of the house to be carried to the foot of the throne to a deformed bill, which might ultimately be unsuccessful. No dark junto could impede such a resolution. His majesty would, no doubt, give his faithful commons the assurance that would satisfy them on that head. This would be a security for a year, and might be constantly renewed, and the bill might be continually pressed in the mean time, with the chance of those advantages that mature reflection and the operation of external circumstances might give. But when this temporary bill should expire, supposing it in the first instance to pass, what security was there that a more violent opposition than ever might not be made to the renewal? Unless the bill was made a government measure, there was no chance that it would pass, and it might be cast back at the close of the session, without any other effect from the concession made by the commons, than the loss of that public esteem and approbation acquired by the perseverance with which the whole measure had been so repeatedly pressed on the upper house. The people were attached to this measure, because it was the corner-stone of a system of reformation, founded upon plain and practicable principles, such as were acted upon by the late administration, in their abstaining to dispose of the reversion of a Tellership which had fallen in, a short time before their resignation. The proceedings now adopted would leave nothing on the journals to mark the stand which it was the duty of the house to make. Why was not a conference demanded, according to the ancient constitutional practice? If the lords were called upon to assign reasons, why might not an amicable arrangement be entered into by both parties? But, there was a third party which was unfortunately too powerful. If the bill did not pass, he hoped a resolution would be carried to the foot of the throne, and renewed as often as it expired, till the measure could be carried. He again adverted to the importance of the bill to the people, and the duty of the house to maintain it. He was most anxious for the rights of the people, but he was equally so for the honour of the sovereign, which was materially implicated and compromised by the conduct his majesty's ministers had pursued.

After a short conversation between Mr. H. Martin, Mr. W. Smith, Mr. Bankes, and Mr. Whitbread, an amendment was inserted in the preamble of the bill, stating that the measure was adopted with a view to promote, or encourage, an important inquiry which was now making by the house of commons; another amendment substituted the term 'suspending' instead of 'prohibiting' the granting of places in reversion.—The proviso for granting to the judges, &c. reservations similar to those of the crown, Mr. Bankes proposed to extend to bishops and archbishops, which, after a short conversation, in which Mr. H. Martin and Mr. W. Smith participated, was agreed to.—Various verbal amendments were made in the bill, and the house having been resumed, the report was ordered to be received to-morrow.

Mr. *Whitbread* gave notice, that as the hon. gentlemen opposite persisted in their silence on the subject, he should persevere in his original intention, and move to-morrow such alterations in the bill, as would restore it precisely to the state in which the last bill quitted the house for the house of lords.

The *Speaker* apprised the hon. gent. that such a proposition would be contrary to the course of parliamentary proceeding.

Mr. *Whitbread* then intimated, that he should propose to make the bill literally different from the last, though substantially the same.

The *Speaker* still declaring, that it was irregular to make such a proposition,

Mr. *Whitbread* stated, that he should probably move to extend the limitation to a term of 99 years. He expressed his desire, that the hon. gent. would postpone the bringing up of the report until Monday, to give time for a due consideration of the most effectual steps for the attainment of his object.

Mr. *Bankes* replied, that as the subject was one of great public interest, and one which had excited considerable public attention, he was anxious that the bill should proceed with as little delay as possible.

The hon. gent. might submit any amendments that he thought proper on the third reading.

Mr. *Whitbread* said, that he would prepare himself with some suitable amendments for to-morrow, as he was determined not to allow the bill to pass through another stage without submitting to the house his opinion on the subject.

HOUSE OF LORDS.

Friday, April 8.

[Scotch Judicature Bill.] On the question for the second reading of this bill, touching the administration of justice in Scotland,

The *Lord Chancellor* explained at some length his views upon this subject, and the objects of the bill; which were to divide the court of session into two chambers of seven and eight judges, to give those courts certain powers of making regulations with respect to proceedings, and with respect to interim executions, whilst appeals were pending; and also to issue a commission to ascertain in what case it might be proper to establish a trial by jury. With respect to this mode of trial, his lordship observed, that he had been upbraided out of doors with using language upon this subject which he had never applied to it; he joined in all those eulogiums which had been passed upon the trial by jury, and to which, in this country, he felt that we owed our happiness and our liberty; but it did not follow that it was equally applicable to Scotland; nor was it a politic or proper mode of proceeding to force that mode of trial upon a country where, in civil cases, its benefits were not understood or appreciated. He thought it would require considerable deliberation and caution to ascertain to what cases the trial by jury might be properly applied. With respect to the bill, he wished it to be committed before the recess; but that the house should not stand committed by the amendments then made, and therefore that the bill should be recommitted after the recess.

Lord *Grenville* still thought that it would be better to divide the court of session into three chambers, than two. Upon a subject of this nature, he thought it was the preferable mode to consult the interests of those to whom justice was to be administered, rather than the opinion of those by whom it was administered, however respectable; as the latter were liable to be actuated on such a subject, by prejudices which he would denominate laudable prejudices, but which would, nevertheless, stand in the way of that complete measure which was wanted. With respect to trial by jury, he thought there ought to be a stronger recommendation of it in the bill than there was at present, a stronger indication of the opinion of the legislature in its favour.

Lord *Melville* referred to an opinion of lord Mansfield, respecting a proposition, to introduce gradually the trial by jury in civil cases into Scotland, and observed, that after the doubts expressed upon this subject by that eminent lawyer, he might well hesitate with respect to the policy of introducing that mode of trial into Scotland. He thought that the recommendation of that mode of trial in the bill was already rather too strong.

The Earl of *Lauderdale* was unwilling to enter into any discussion of the general merits of the bill, after the understanding of their lordships as to the proper time. Still, he could not assent to the changes which had taken place in the present bill, from that submitted to the house on a former occasion. It was intended, that the two chambers of the court of session should not sit at the same time. This he considered unnecessary, or rather improper, because, it was to be remembered, that the great proportion of business in actions in that court, was chiefly done in writing; and, therefore, the time of the judges, whose presence daily was not wanting, would be much better employed in reading the pleadings on the various causes upon which they would be subsequently called upon to pronounce judgment. The noble lord thought there was not that necessity for caution and circumspection so much recommended. This measure had obtained the fullest investigation of almost every description of people in Scotland. It was debated ably and fully in that house; and, therefore, as the evil of the present system was acknowledged, the reformation and remedy ought to be prompt and efficient. The bill was then read a second time.

[Cotton Bill.] On the third reading of the bill prohibiting the exportation of Cotton,

Earl *Bathurst* observed, that in consequence of the embargo in America, there had been some ground for apprehending that a sufficient supply of cotton would not be obtained for the consumption of this country: there was, however, he was happy to state, no ground for alarm upon this subject; there was a considerable stock on hand, and there was now every reason to believe, that a sufficient supply would be obtained, even supposing the embargo to be continued. The continent of Europe had been cut off, by recent events, from its supply of cotton; and orders had actually been sent from Germany to procure cotton from Turkey, by land-carriage; a species of cotton of an inferior quality, which the manufacturers here would not use. Under these circumstances, he thought there could be no doubt as to the policy of securing to ourselves a sufficient supply of this article, by prohibiting the export. If, however, there should be a surplus, licences would be granted to export it. With respect to the objection to the principle of licences, made by his noble friend (lord Grenville) on a former night, he thought it inapplicable; inasmuch as the trading under licence was sanctioned by various precedents, and by several acts of parliament in the last war as well as in the present. Three successive administrations, since the commencement of the present war, had exercised this power; and he saw no reason why the same credit should not be given to the present administration as to the former ones, for its due exercise. The trading to the ports of the enemy was at all times illegal, except under licence from the king in council. The whole continent was at present our enemies, with the exception of Sweden and Sicily; and as in these countries there were no cotton-manufactories, the export of cotton to them must be intended ultimately for the enemy. Under these circumstances, the extension of the prohibition to neutrals appeared to him perfectly justifiable, in order to prevent a great export to the continent of an article of which they stood so much in need, and thereby leave us without a sufficient supply.

Lord *St. John* contended that the real ground upon which this bill had been sent to that house was, that it was the intention to injure the manufactures of the enemy, upon the supposition that our own would thereby be benefited by ensuring to them a monopoly. It was, in this point of view, one of those visionary measures, some of which had been already before the house, and which could only tend to the injury instead of the benefit of our manufactures. If the cotton-manufactures of the enemy were destroyed, what would then be the consequence? All cotton goods in the territories of the enemy must then immediately be known to be British, and instead of finding a sale, would meet with a prohibition. The variableness of taste was well known; and if the cotton-manufactories of the enemy were destroyed, was there not reason to fear that taste might again vary, and some other articles be substituted for cotton? It was a most mistaken policy to suppose, that by destroying competition we should destroy our own manufactures. The contrary was the truth; manufactures thrived best by competition; this was proved in the case of our exports to the United States, which, in the article of cotton goods, had become nearly double since America became a manufacturing country, of what they were before. He objected decidedly to the power vested in the crown of granting licences, as it went to make every merchant in the kingdom dependant upon the executive government: added to this was the inconvenience experienced by merchants at the out-ports in procuring licences. The noble earl had spoken of this power being properly exercised by three successive administrations, and had called for the same confidence. He did not distrust the noble earl, but he objected to the principle; and if the argument of the noble earl went to any thing, it went to this, that every honest man ought to be entrusted with arbitrary power. So far from seeing this bill in the point of view in which it had been placed by the noble earl, he thought it tended deeply to injure a most valuable and important branch of our manufacture.

Lord *Auckland* thought the ground urged by the noble earl in support of this bill fallacious, inasmuch as the market here would by the operation of the bill become glutted, the price of cotton would consequently fall, and thus the growers of it, particularly in our own colonies, would be seriously injured; nor was it to be supposed that after that had taken place, any more cotton would be brought here, where the market was already over-stocked.

Lord *Redesdale* supported the bill as a measure conducive to the interests of our manufactures, and as a check on the growing cotton-trade of the enemy.

The Earl of *Lauderdale* remarked, that the noble earl, at the head of the board of trade, had given up the present bill as a measure of warfare, and had considered it solely in relation to its effects on our commerce. In this view of the case, he considered it as an extremely dangerous principle, to allow to the government for the time being, the privilege of saying, what individual should be indulged in carrying on a trade and manufacture, and who should not. To compel ships laden with cotton to come into our ports, while the export of that article was prohibited, and while our manufactures could not procure a market, was improperly to reduce the price of the raw material. Our manufacturers might wish to procure cotton at a cheaper rate; but they were at the same time aware of the impolicy of reducing the value of the raw commodity so much as to render it a matter of indifference to the grower of the article, whether he did or did not bring it to our market.

Lord *Hawkesbury*, in alluding to the power conferred on the government of granting licences to certain persons, stated, that this had been the practice for the last 14 or 15 years. He had never heard that it had been abused, and he trusted the present government might receive equal credit with their predecessors, for not entertaining any intention to act with favour or partiality, in granting this privilege where it might seem to be required. His lordship did not intend at present to enter into the merits of the Orders in Council, though he must protest against the interpretation put by the noble lord who spoke last, on what had fallen from his noble friends, as if they had given up the present bill as a measure of warfare. They had not done so. It was well known, that there was a deficiency of cotton in France, and, at the same time, that one of the most increasing trades in that country was the cotton manufacture. An opportunity, however, of canvassing this subject would occur, when the noble lord opposite (Grenville) brought forward his promised motion; at which time he should be at no difficulty to shew, that there were more mercantile men in this country who approved than there were who disapproved of the Orders of Council.

The Earl of *Darnley* concurred in the arguments against the bill.

Lord *Grenville* begged to be understood, as objecting in the most pointed manner to the noble lord's (Hawkesbury) bringing forward any secret information of which he might suppose himself to be possessed, as indicative of the opinion of the mercantile interests of this country, on the subject of the Orders in Council. If he wished to meet the evidence which had been adduced at the bar of the house, and to refute the gentlemen there examined, who regarded the Orders in Council as destructive of our commerce and manufactures, why did he not bring forward his witnesses to contradict them? Why did he not bring forward merchants of London and Liverpool, to say that their trade was equally or more flourishing than it was previous to the passing of these orders? or manufacturers of Manchester to say, that their orders were equally numerous and great as they had formerly been; and persons in the shipping interest to declare that their carrying trade was undiminished? So far from having done this, was it not a fact, that the evidence before the house went to shew a complete failure in all these branches of trade, in consequence of these Orders in Council? His lordship therefore hoped, that in arguing this subject, the noble lord on the other side would not allude to any private testimony in favour of these Orders in Council, which he himself might possess; but which, unlike gentlemen in the other house of parliament, he had declined laying before the house. As to the idea that the measure would have the effect of incommoding France by preventing the requisite supply of cotton, this his lordship considered as altogether absurd. There were various tracts of country in which cotton could be grown, and did actually grow at this moment, of which it was impossible for this country, by any act it might pass, to deprive Buonaparte. In the Levant, considerable quantities of cotton were grown, particularly in Italy and Sicily, over which the ruler of France now had, or in all probability would soon have, the complete dominion. In fact, it was quite in the power of France, from the territory it now commanded, to procure cotton in whatever quantity it chose. If this country wished to preserve its cotton manufacture, and to command a constant and sufficient supply of the raw material, the plan was, to give a free and unlimited power of import and export. The advantages our harbours held out to the American grower, would thus ensure us a constant supply, convinced as they would in that event be, that a ready market for their commodity would be found, if not with us, yet in some other quarter. The noble lord concluded with expressing his conviction that the government would act the wiser part by forbearing to interfere in matters of trade, and leaving it to be regulated by the natural influence of its own operation.

The question on the third reading being called for, the house divided: Contents 44; Not-Contents 13; Majority 31.

[Protest against the Cotton Bill.] "Dissentient; 1. Because, as this bill prohibits the exportation of all cotton wool, and the Orders of Council of the 11th and 25th of Nov. 1807, force into British ports the whole of that commodity sent by America for the supply of foreign states, the quantity brought by these and other means into the British market must be so great, in proportion to the demand, as to reduce the value of that commodity to a trifle. When we consider, therefore, that the usual exportation of cotton wool from America, is 250,000 bags, amounting, at 12*l.* per bag, to the value of 3 millions sterling, we conceive that this is not only a gross violation of the law of nations, but the most substantial injury ever inflicted on a friendly and independent state. 2. Because this reduction of the value of cotton wool, will discourage the growth of it to a degree that, on the return of peace, when the demand for our cotton goods revives, must deeply injure this extensive branch of our manufactures, by producing a deficiency in the supply, and consequent dearness, of the raw material. 3. Because, much as we regret the unwarrantable provocation given to the U. States of America, and the injury thus inflicted on our manufactures, we feel with still deeper affliction the evil with which this bill threatens the constitution of our country.—Whilst it prohibits the exportation of cotton-wool, it permits his majesty, by licence under his sign manual, to authorize any person to export from Great Britain any quantity of cotton-wool, under such regulations, restrictions, and securities, as may be specified in the licence; and thus confers on the crown a legal right to arrange and share out the trade in a most valuable commodity; a principle which, if extended to other articles, must create a new and alarming source of influence, almost boundless in the extent to which it may be carried.—Even when confined to the present instance of cotton-wool, it appears to us a most dangerous extension of the patronage of the crown. We believe there is no intelligent merchant who must not think, that by the prohibition to export cotton-wool, the value of that article will suffer a diminution to the amount at least of one million sterling. It is plain, therefore, that if his majesty can, by granting licences, supply the markets to which cotton-wool went before this unwarrantable interruption of the trade,—as the commodity, with the restoration of demand, must resume its value, this immense sum may be corruptly distributed by the executive government, by giving licences to persons whose political conduct it may wish to influence.—4. Because we think there is just reason to believe, that this measure is adopted with a view to create the undue influence with which it arms the executive government; for the following clause, which tends to do away the influence the bill confers, without deranging the system it means to establish, was rejected by the house: 'Provided always, that when his majesty shall determine, by licence, to authorize the exportation of any given quantity of cotton-wool, the board of trade shall announce such determination in the Gazette, together with the regulations, restrictions, and securities, intended to be specified in the licence; and the name of every person who, within a week, shall state in writing to the secretary of the said board, his desire to export the quantity of cotton meant to be exported under the conditions stipulated, shall be put into a glass jar; and at 12 o'clock on the ninth day after the advertisement shall have been inserted in the Gazette, the secretary of the board of trade shall, in the presence of such of the persons desirous of exporting cotton-wool as may choose to attend, after mixing the names in a manner to preclude all suspicion of preference, draw out of the said jar one of the names therein contained, and his majesty's licence shall forthwith be granted to the person whose name is so drawn.'—5. Because, recollecting that within these few days the two houses of parliament have received an unanimous petition of the common council of the city of London, declaring 'that the burdens borne by the people of this country have been considerably augmented by gross abuses in the management and expenditure of the public money, and by a profusion of sinecure places and pensions, which have not only greatly added to their sufferings, but created a pernicious and dangerous influence, corrupting and undermining the pure and free principles of the British constitution,' we dread that the passing of this bill must give rise to serious and alarming discontent, when it is known that it may eventually arm the crown with the power of distributing a sum equal in amount to the sum allowed for defraying the expenditure of his majesty's civil list, unaccompanied by any check to prevent its being used for the purposes of augmenting to an unparalleled degree that "pernicious and dangerous influence" which has so solemnly been stated to parliament by his majesty's faithful and loyal subjects, the corporation of London, as 'corrupting and undermining the pure and free principles of the British constitution.' (Signed,) Lauderdale, King, Albemarle."

HOUSE OF COMMONS.

Friday, April 8.

[Papers relating to Russia.] Mr. *Whitbread* rose, pursuant to notice, to move for certain papers which had been alluded to by the noble lord (G. L. Gower), in a debate which took place on the 29th of March, upon a motion of an hon. friend of his (Mr. Sharp). The house had heard a great deal of discussion respecting the propriety of quoting from any documents not before the house. He should not now go into a question which had been so often and so fully discussed; but he apprehended, that the right hon. gent. would agree with him in thinking, that communications, in whatever form they were made, should be made by his majesty's confidential ministers, and by no one else, under any pretence whatever. The noble lord, therefore, after communicating the information to which he alluded in debate, whether in a more official or less official shape, to his government at home, had put it beyond his own controul, and ought not publicly to have disclosed it. The motion which he meant now to propose, pointed to two objects; the first of which was, the production of a paper which accompanied the treaty of alliance between this country and Russia, in 1805; the other was connected with a communication made by the noble lord to his majesty's secretary of state, in the course of his last mission in 1807. After the overthrow of the confederacy of 1805, and the conclusion of the peace of Presburgh, a large mass of papers relative to that confederacy had been thrown upon the table, by lord Mulgrave, then foreign secretary of state, perfectly unsolicited, but quite as voluntary as without selection, and certainly without discretion; for, not only were some dispatches published which never ought to have been published, but it would have been difficult to have found any thing in the course of the correspondence more unfit for publication than some of the papers which had been submitted to parliament, uncalled for and unexpected. These papers certainly furnished abundant matter of inculpation against the ministers of the day; but the man who was at the head of that administration, of as splendid talents as this or perhaps any other country had ever produced, died. After his death, his colleagues in office resigned the reins of government, in consequence of his decease, and no discussion ever took place upon the subject of that treaty. He did think that the noble lord ought to have been one of the last persons to have called the attention of the house to the events of that time, considering that he was the sole manager in the formation of that confederacy, and considering how fatally it terminated for the interests of all the parties connected with it. The noble lord had at that time conducted the negociations with so much secrecy, that they were wholly unknown at Vienna till the treaty was concluded, so that he was deprived of the advice of sir A. Paget, and of the information which he might have derived from him respecting the state of the Austrian army, and of the heart-burnings and party spirit which were at that time felt in the court of Vienna. But, though the noble lord had kept secret not only from our ally, but from a minister of his own court, the articles of the treaty which he was then concluding at St. Petersburg, he had on his late mission held out the refusal on the part of Russia, to communicate the secret articles of the treaty which that power had concluded with France, as a sufficient ground for refusing its mediation between Great Britain and France, even though the emperor had assured lord Hutchinson, that it was his opinion that we ought to enter into negociation with France, not, as that noble lord had represented, because it was proper that we should make peace with France on any terms, but because he (the emperor of Russia) knew that the terms of peace which the emperor of the French was ready to offer were such as he believed lord Hutchinson would be of opinion that this country ought to accept. At the time of negociating the treaty of 1805, the noble lord had also consented, by his own confession, to an article by which it was stipulated that the powers of Europe should go into a congress, in which the law of nations should be formally discussed, and in which the maritime pretensions of this country would, of course, as forming a part of that law, have come under discussion. [Lord G. L. Gower, from the other side of the house, said he had never done any such thing.] The noble lord, Mr. Whitbread said, denied the allegation; but as the maritime law of this country was not positively excluded from the operation of this provisional article of the treaty, he contended, that it was virtually included in it. But if such was not the interpretation which the noble lord put upon this article of the treaty, how, he asked, did Russia understand it? Had not the noble lord himself stated, in a former debate, that a notification was made to him, before the Russian ministers were permitted to sign the treaty, that his majesty, the emperor of Russia, would instruct his minister to use his endeavours at the general congress, which it was then in contemplation to assemble, to endeavour to procure a modification of such regulations of our maritime code, as might be found to be inconsistent with justice? The question of maritime rights was supposed to have been settled in the treaty concluded between this country and the northern powers in 1801; but was it not evident from this Declaration, that there was still subsisting a rankling in the mind of the Russian government upon the very question? Mr. Whitbread contended, that this was the fair interpretation to be put upon the declaration; and that, at present, when the contest with these powers might be said to be but beginning, it was desirable that the British house of commons should be put in possession of any document which tended to throw light upon the pretensions which they set forth. Of the substance of the communication the house was already in possession; but he insisted upon the propriety of their being put in possession of the communication, not merely incidentally, but formally, and officially.—The other paper for which he meant to move, was the communication made by the ambassador of this country to his majesty's secretary of state, which had been also alluded to in debate, and in which it had been stated by the noble lord, that a person high in authority had made use of the expression, 'il faut menager l'Angleterre pour le moment.' The noble lord had alluded to this communication in debate, for the purpose of shewing that Russia was determined to go to war with this country before the expedition was undertaken against Copenhagen; but before the house could judge whether the fact was relevant to the argument which he grounded upon it, it was important to know who was the person who made use of this expression, and whether it was used in conversation with the noble lord, or with a third person; because, if it was dropped in conversation with a third person, it must be evident to every one, that it might have no effect whatever in supporting the proposition or opinion which the noble lord meant to establish. It was alleged, that this communication was made in a private letter to the secretary of state, and very probably it was so; nor did he mean to question the propriety of a secretary of state keeping up a correspondence with ministers employed abroad; but the noble lord ought not to have made use of the communication for the purpose of influencing the decision of the house, if it was of such a nature, or if it was made in such a way, that it could not be laid before the house.—He did not wish that the whole of the letter or dispatch which contained the communication should be made public; all that he desired was, that the house should be put in possession of that part of the dispatch which related to this particular communication. He concluded with moving, That an address be presented to his majesty, that he would be graciously pleased to order that there be laid before the house a copy of the Declaration delivered to his majesty's ambassador at the court of Petersburg, notifying that his imperial majesty would instruct his plenipotentiary at a general congress, to endeavour to procure a modification of such regulations in our maritime code as might be found to be inconsistent with justice; and likewise of a copy or abstract of a letter or dispatch, transmitted by his majesty's ambassador to his majesty's foreign secretary of state, between the months of June and Nov. 1807, as far as such letter or dispatch may refer to an expression, 'il faut menager l'Angleterre pour le moment.'

Lord *G. L. Gower* said, that the house could not be surprised at the anxiety which he felt to express his sentiments upon the present motion, after the representations which had been given of what had fallen from him in a debate of a former evening, both by the hon. gent. who had just sat down, and in the public prints. He was most anxious to convince the house that he never had, in his official situation, done any thing to countenance the imputation of his having assented to any proposition, which had for its object to attack, either directly or indirectly, those principles of maritime law upon which this country had always acted, and upon which, he trusted, that it would ever continue to act. With this impression, he felt himself extremely obliged to the hon. gent. for having brought forward the motion which he had on this evening submitted to the house; and in that motion he should most heartily concur, as far as it related to the production of the Declaration which accompanied the treaty of 1805. He hoped also, that his right honourable friend the secretary of state would agree to this part of the motion, not only in justice to him, but in justice also to the character of an illustrious statesman, now no more (Mr. Pitt). It would be but an act of justice to the memory of that great man, who had spent his life in upholding the character and maintaining the rights of the country, to shew that in his latter days he did not desert that cause which it had been the great object of his life to support. With this view, he trusted that his right hon. friend would consent, not only to the production of the Declaration, but that the whole correspondence relative to this Declaration would be produced; from which it would appear, how little foundation there was for the accusation which had been brought against him, of having left any question relative to the maritime rights of the country open either to cavil or to discussion. His lordship did not wish now to enter into a discussion of all the questions connected with the treaty of 1805, and if this was the wish of the hon. gent. he thought that he had not dealt fairly with the house in not giving a notice to that effect. With the other part of the hon. gent's motion, he could not concur, because the communication to which he referred was contained in a private letter; and even supposing that the house were to agree to an address for the production of this paper, he really did not know what answer the crown could make to it; because the crown had as little power to compel the production of a private letter which was in the hands of the secretary of state, as it had over any private letter which might be in the hands of any other individual in the country. If the hon. gent. was of opinion that he had been deficient in his duty in transmitting such a communication in the shape of a private letter, it would be better at once to move a vote of censure upon him for having done so. He begged the house, however, to recollect, that he had mentioned neither letter nor dispatch in the former debate. He had simply mentioned the circumstance of a certain expression having been used by a person high in authority in Russia, leaving the house to give what credit they might think fit to this assertion, and to deduce whatever inference from it they might be of opinion that it warranted. Neither did it follow, that, because he had communicated this expression to his government at home, he had mentioned the name of the person who used it. It so happened in the present instance, that his right hon. friend was in possession of the name of the person who had made use of the expression, but it was for his right hon. friend to judge of the prudence and expediency of disclosing who that person was. He must observe, however, that if every communication made by a foreign minister to his government were to be made public, as a matter of course, the inevitable effect of such a system would be, to destroy all confidence betwen diplomatic agents and the courts to which they were accredited. He should therefore give his decided negative to the last motion of the hon. gent.; and the first part of the address he should propose to amend, by moving for the production, not only of the Declaration accompanying the treaty of 1805, but of the correspondence which passed relative to that Declaration.

Mr. *Whitbread* most willingly concurred in the amendment proposed by the noble lord in the first part of the motion, for it was his wish, that all the correspondence relative to the Russian Declaration in question, should be made public. But he could not assent to the amendment so far as it went to negative the production of the private letter, or an extract from it. What would be the consequence of refusing to communicate such letters, when previously made public in order to influence the vote of the house, and serve the purpose of ministers? Because the noble lord was the ambassador, and the right hon. gent. secretary of state, the correspondence was to be carried on by private letters, so as to avoid the cognizance of parliament! The noble lord had said, that he had never stated that he communicated this information to ministers. Perhaps, he had not: but the right hon. secretary had publicly stated the fact, and yet the house was to be precluded from information about a communication under the impression of which they had been called upon to vote. He did not know upon what authority the expressions adverted to by the noble lord rested; whether they were directly mentioned to him by any person upon whom much reliance could be placed, or whether he had the information from a third person. For his part, he rather thought that the expressions did not come from any quarter upon which much dependance could be placed. But this was the point respecting which it was most important for the house to be well informed. He could not understand the doctrine, that private letters between ambassadors and secretaries of state, were, under all circumstances, to be suppressed. The information contained in the letter had been voluntarily offered on the part of ministers, with a view to influence the vote of the house. This naturally laid a ground for calling for the information in an explicit and tangible shape, that it might be seen whether it was of a kind to bear out the arguments which have been founded upon it. But immediately, when it was called for, he answered, 'No, it is a private letter, and cannot be produced.' If they meant to stand upon this objection, why did they communicate the information at all? They themselves had urged that lord Hutchinson's information was private, when they had not only connived at his conferences with the emperor of Russia, but had desired him to communicate his sentiments, and asserted, that he had been bamboozled, for that had been the expression; and that the information which had been obtained, was not such as to deserve much consideration. Yet these very men stated expressions, of nobody knew whom, to influence the vote of the house, and refused all explicit information on the subject, on the ground of the intelligence having been conveyed in a private letter! The majority of the house might perhaps be against him on this occasion, but he trusted that he should be supported by a minority of no little weight and importance. The communication in question, though originally private, had been made public from the manner in which it had been used, and he should therefore persist in that part of his original motion.

Sir *T. Turton* deprecated severely this perpetual recurrence to subjects undertaken for the purposes of party spirit and personal enmity.

Mr. *Whitbread* here called the hon. bart. to order; disclaiming at the same time the unworthy motives which were so ungenerously imputed to him.

The *Speaker* having intimated to the hon. baronet the impropriety of such language,

Sir *T. Turton* felt extremely sorry that any thing which fell from him should have given the hon. gent. offence, for whom he felt the sincerest and most cordial esteem: when he said personal enmity, he meant only political enmity; and was unfortunate in his mode of expressing himself. He supported the amendment on the ground of the confidential nature of diplomacy. He would ask, if the state of Europe was again restored, what credit ambassadors would gain at foreign courts, who made it their practice to divulge secret communications. He thought the hon. gent was condemned by his own argument, for if the papers laid before parliament by lord Mulgrave excited throughout Europe such lively indignation, why endeavour, by the same cause, to excite the same sensation now?

Mr. *Herbert* thought it most important that the motion should be agreed to. He was one of those on whom the speech of the noble lord, and the expression alluded to, 'il faut menager l'Angleterre pour le moment,' had made a strong impression, and if he had thought the authority on which they rested incontrovertible, he should not have voted as he had done upon the question of the Danish expedition. He once thought, that ministers were ready to prove their allegations in the declaration, in answer to Russia; but the right hon. secretary, whose speeches were more remarkable for their brilliancy than their solidity, had waved these, and resorted to other matters of a more indeterminate sort; however, the subject was brought back again to its former state, by the information communicated by the noble lord. It was therefore of the greatest moment to have it clearly known, upon what authority it rested; what was its precise import, and what credit ought to be attached to it.

Mr. *Windham* observed, that the subject of discussion lay within a very narrow compass, being limited to the point, whether the letter ought to be produced? If the letter had been kept altogether private, then there could be no call for its production, for there could have been no knowledge of its existence. But the case was not, whether a letter, said to be private, should be permitted to remain so; but whether one publicly brought forward, and made use of to influence the vote of the house, by one of the parties, should be produced in a tangible and authenticated state. A letter, though private, might relate to public affairs, and a minister might, to a certain degree, act upon it without thinking proper to produce it, but resting upon his general responsibility. But, when a letter of this kind was quoted by the writer, with a view to make an impression on parliament, the question was, whether that did not become evidence which before was not so; and whether it ought not therefore to be produced, subject, of course, to that sort of discretion which ministers must exercise, even with respect to public dispatches. As this was, in some measure, a new case, attention must be given to its nature, not only with a view to the present question, but in order to settle a rule for the future. Considering the matter in this light, the first thing that occurred was, that the public business might be managed by a private correspondence of this sort, in a way which would place the whole out of the reach of parliament. Some might remember how this principle was made use of in the trial of Mr. Hastings, where it appeared that, under the pretence of private correspondence, the salutary order of the Company, that all correspondence should be in writing, was evaded. The public trust was liable to be abused in the same manner; and the wholesome rule was, that when letters had forfeited their character of privacy, by being brought forward to influence the vote of the house, they should then only be protected by the same discretion to which even public dispatches were subject. What had we to justify the expedition to Denmark? Secret articles and private letters; the most convenient things for a bad minister that could possibly be imagined. This might mark the evil that would result from a principle of this kind, and, upon the whole, there was no comparison between the balance of danger from concealment and publicity. The ministers having then quoted the letter in question for their own purposes, the house had a right to its production.

Mr. *Sturges Bourne* denied that his noble friend had used this letter for the purpose of influencing the decision of the house. He had been present when his noble friend made the speech which caused so considerable an impression, and he well recollected, that his noble friend stated the general fact of which he was in possession; and that it was not until in reply to a question put to him by the hon. gent. opposite, that he added that he had communicated that fact in a private letter to the right hon. secretary of state. If he abstained from going any further into this subject, at present, he begged to be understood, that he was not deterred from doing so by the high and dictatorial tone which the hon. mover, on this as well as on many other occasions, chose to assume. The house and the public, would judge of the consistency of the hon. gentlemen opposite, who, when they were in office, had refused to produce, on the only two occasions on which they were required to produce them, papers moved for by his hon. friends, but who now, after having exhausted their motions for public documents, were driven to the necessity of moving for the unwarrantable production of private correspondence.

Dr. *Laurence* observed, that the dictatorial tone and manner of the last speaker did not suit well with his complaint against a dictatorial tone and manner in another person. It would have come better from the right hon. secretary opposite, who was so remarkable for levity and jesting, that no one could pretend to equal him, unless he had a jest-book in his hand. As the expressions alluded to had been put in writing, every one must desire to see the whole of the paper, or at least as much as could be produced without detriment to the public service; for though they might have been very fairly stated by the noble lord, as far as he went, yet in the letter they might be so qualified as to make a different impression. He allowed that stronger ground ought to be laid for the production of a private letter, than for the production of a public dispatch; but, if it was said that a private letter ought not to be produced at all, the doctrine was contrary to the principles of the British constitution; which held publicity, though attended with some disadvantages, to be, on the whole, preferable to secrecy. Information of the most secret nature had often, upon this ground, been produced, with only a concealment of names. The ministers, if their principle of secrecy was adopted, might recline on their bed of roses, or remain concealed, like moles in their apartments under ground, till they happened occasionally to blunder into light.

Mr. *Hawkins Browne* denied that the noble lord had in a former debate made any quotation from a private letter. He had used the fact in the way of argument, leaving it to the house to give what degree of credit they pleased to his assertion. He thought the production of the letter without the name would not be a sufficient guarantee for the safety of the person from whom the communication was received, and would therefore support the amendment.

Mr. Secretary *Canning* would fairly state, that he had hitherto abstained from speaking on the subject, because whatever might have been the course of the debate, if it had been possible that the argument of the hon. gent. should have influenced the house, or that the arguments of his noble friend should not have influenced the house on what he conceived to be the clear question before them; if the inclination of the house had shewn itself to be unfavourable to his view of the subject; he should then have stood up, not merely to argue against the motion, but to entreat the house, that if they did not place in him that confidence, without which it was impossible for him adequately to fulfil the duties of his situation, they would permit him to retire, retaining his honour. Not one spark of that honour should he conceive he retained, if he were to divulge that which at the time when it was communicated, and since, and now, he felt, was communicated in confidence. Under that impression, however great the deference which he entertained for the house, and however anxious he was to bow to their decision, were that decision to call for the production of the paper in question, he would rather incur their displeasure, than thus compromise his own honour and character. Having said thus much, he should proceed to remark on some of the arguments that had been urged by the opposite side of the house. A right hon. gent. (Mr. Windham) had imagined a possible case in which the private correspondence between the secretary of state at home and the minister abroad, might be pushed to such an extreme, that all official intercourse might be carried on in that manner, and the historian be left to search in vain for public documents on which to ground his relations. The impossibility was so evident (since the chasm must so soon be discovered by the colleagues of the minister, and by the sovereign, who could not fail to be surprised at the departure and arrival of messengers without dispatches), that he was astonished how the right hon. gent. (who, to great acuteness of understanding, joined that knowledge of business, which certainly must shew him that acuteness of understanding, though theoretically advantageous, might be practically injurious to business) could advance such a monstrous supposition. As his noble friend had justly stated, many cases must occur, in which a minister at a foreign court might, in his public official dispatches, relate facts and occurrences to his own government, and, at the same time, confide to them, in secret communications, what he conceived to be the springs and motives of those occurrences. An ambassador might be put in possession, through confidential channels, of such information. He might receive it on the score of his own personal character, or he might be trusted, under the understood obligation of his office, by a friend, a mistress, or a courtier of the sovereign, in whose capital he resided. The whole nature of the information would then consist in the authority, which authority was precisely the circumstance that could not be divulged. Otherwise, when a British minister went to a foreign court, he ought loudly and generally to declare to all about him, 'do not tell me any thing which you do not wish should be laid before the British house of commons.' Unfortunately, too much already had been divulged, and so far from depriving the future historian of his materials, we anticipated him. It would be easy to point out books that had been translated into other languages, which had caused the disgrace and death of individuals, implicated by them. But, then, said the hon. gent. if this letter was unfit for production, it ought not to have been quoted by the noble lord. The answer to this was, that it had not been quoted by him. His noble friend stated a fact; he was asked by the hon. gent. whether he had stated that fact before, and he answered yes, but in a private letter; and this the hon. gent. chose to call a quotation! Of course, the hon. gent. asked his noble friend to reply to this question as a courtesy; for surely he would not pretend to arrogate to himself the right of demanding from every member in that house an answer to any question that he might think proper to propose to him. If the hon. gent. did so arrogate, he would say, that to him exclusively he would deny that courtesy. The hon. and learned doctor (Laurence) had taken very angry notice of the manner in which the dictatorial tone of the hon. mover had been reprehended. For himself, he could not say that the tone of the hon. mover had been much higher to-night than he usually chose to pitch it; and he hoped it would not make greater impression on the house than it usually had made. With respect to the arguments of the hon. and learned doctor on the question before the house, he had himself anticipated the answer to them, by admitting that, prima facie, strong ground must be laid for the production of a private letter, and if any names which it contained ought in discretion to be suppressed, they should be so suppressed. How did this apply to the present case, in which the name was identically the matter of consequence? If the learned doctor discredited the statements of his noble friend, let him say so. Such a proceeding, though not very civil, would at least be intelligible; but it was most extraordinary, by way of putting his noble friend's truth to the test, to move for the production of a letter, the only part of which by which his veracity could be ascertained, must be suppressed!—The right hon. secretary proceeded to state on what grounds he supported the other part of the amendment proposed by his noble friend. Since the speech of his noble friend on a former night, an attempt had been revived to prejudice in the minds of the public that administration in the year 1805, which had endeavoured to establish a continental coalition against France. He would not now enter fully on this subject, not conceiving that it was comprised in the hon. gent.'s notice, although he should always be prepared to meet any attack on the merits of the great individual, now no more, who had so principal a share in that transaction. It had been thought by the hon. gentlemen opposite, that in the speech of his noble friend they had found something derogating from the policy of that confederacy; on the ground that the administration of that day were content to sacrifice to its accomplishment a question in which the country had ever felt deeply interested. and in which it must now feel more deeply interested than ever—the maritime rights of England. The reverse of this was the fact. If the hon. gent. had attended accurately to his noble friend, he must have been convinced, that the form of the declaration was of itself a proof, that it was not a matter of concession. Had it been so, it would have made part of the price of that concession: it would have made part of the treaty. What was it, that at that time, under the appellation of 'the law of nations,' attracted the attention of Europe? So far was this term from applying to our maritime right, that it never happened that in any public document the maritime code was meant or mentioned. What were the cases to which that expression referred? The recent seizure of the duke D'Enghien on neutral territory, and dragging him to slaughter; the recent seizure of a British minister (sir T. Rumbold), on neutral territory, and carrying him prisoner to France. Did the hon. gent. see nothing in this seizure of a British minister, and this murder of a French prince, but that which must attract the attention of the continent to the maritime code of Great Britain? On that maritime code, a separate provision had been proposed, in an article to which his noble friend on the part of G. Britain had refused to be a party. By the first of the papers which would be produced, in consequence of the motion before the house, being a dispatch dated the 7th of April, it would be found, that his noble friend had declared, that no consideration whatever, not even the certainty of a total rupture with the confederating powers, would induce him to consent to the proposition made by the Russian minister, to submit the maritime code of G. Britain to a congress of the great powers of Europe; and that he was fully authorised to declare, that the British government would never consent to such a reference or interference. Was this the language, were these the symptoms, of concession? Unquestionably, after the rejection of the article proposed, after the signature of the treaty, his noble friend had received and transmitted home the Declaration alluded to; but he had it not in his discretion to refuse to do this; and he accompanied the reception of the Declaration with a strong expression of his regret, that his imperial majesty had thought it necessary to make it, and with a firm repetition of what he knew to be the sentiments of his court on the subject. Did his noble friend forfeit the favour of his sovereign by this conduct? Were his majesty's ministers lukewarm on the occasion? On the contrary, as would appear by the papers when produced, on the reception of the treaty, lord Mulgrave wrote to his noble friend, expressing his majesty's approbation of his proceedings, and declared his majesty's determination not to submit his rights of maritime war to any mediation whatever. This was during Mr. Pitt's administration. Nor was this determination concealed from the foreign ministers; for the copy of a letter of the same date from lord Mulgrave to the Russian ambassador would be produced, in which his lordship expressed similar sentiments; declared that no statesman would ever be found in this country, who would venture to unsettle that on which the power and prosperity of the country rested; and stated, that his noble friend had discharged a decided duty in the rejection of the proposition that had been made to him. Where was here the sacrifice of honour and of rights? Whatever the hon. gent. might think of other parts of his noble friend's character, they must know his candour too well to suppose that his observations on a former evening were intended for the purpose of producing, not an exculpation, but a panegyric on the conduct by which he evinced, that he was determined not to compromise that which was the solid foundation of the power of this country. He congratulated the house and the public, that such a determination had been evinced. He trusted that similar principles to those which pervaded this negotiation, would pervade any other negotiation in any other hands. He trusted that the great example which the administration of that day had set,—by refusing to purchase an object, however desirable and important, by the sacrifice of that which was not the peculiar strength of Britain alone, but which was the source and support of the general strength, by which that object appeared to be attainable,—he trusted that that example would be followed to the end of time. He trusted that what we had not given to acquire a great good, we should never give even to avert a great evil. He trusted that what we had refused to grant to the request of friendship, would never be extorted from us by the menaces of hostility.

Mr. *Whitbread*, adverting to the personal imputations that had been cast upon him in the course of the debate, observed, that if there was any thing dictatorial in his manner, he was sure that such manner could less become any man in that house than himself, who had so few pretensions to assume it. As a member of parliament however, he did not arrogate great privileges, and he never would allow those privileges to be derogated from by those, who in the most dictatorial manner charged him with being dictatorial; and who in the most arrogant manner accused him of arrogance. To the right hon. secretary who had treated him with so much freedom, he would say, that the vices of his manner were levity and misrepresentation. The first was manifested in the mode in which that right hon. gent. jeered his hon. and learned friend near him (Dr. Laurence), one ounce of whose sterling worth he would not exchange for all the gilt gingerbread on the other side of the house. Of the second vice of his manner, misrepresentation, he had given a striking instance, by introducing a debate on papers, before the papers were laid on the table, and by pronouncing a panegyric on the noble lord, before the house was in possession of the means of ascertaining whether that panegyric was well or ill-founded. As to the inutility of presenting the letter with the names suppressed, it would be advantageous to have it even in that shape. The mere declaration of the noble lord was fugitive, and could not be made the ground of any subsequent parliamentary proceeding. He could not see the necessity under which the right hon. secretary would labour of resigning, were his motion agreed to. That dreadful calamity to the country surely need not take place; but, dreadful as it would be, he owned he would rather see the right hon. gent. quit office in that manner, than that he should be turned out by the dark junto which lurked about the throne. He repeated his former assertions as to the unfair manner in which Mr. Garlike and lord Hutchinson had been treated, and after some other observations, concluded by calling upon the house to take this opportunity of asserting their rights to have formally before them, that which was used in debate for the purpose of influencing their judgment.

A division then took place, when the numbers were: For the amendment, 114; For the original motion, 50. Majority, 64.

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